

PONQUOGUE MARINE BASIN, INC.

ENVIRONMENTAL ASSESSMENT



New York State Governor's Office of Storm Recovery
October 30, 2015

PONQUOGUE MARINE BASIN, INC. - SMALL BUSINESS GRANT PROGRAM PROJECT #103-ED-32411-2013 ENVIRONMENTAL ASSESSMENT & ERR PROJECT SUMMARY	
Responsible Entity:	New York State Homes & Community Renewal – Housing Trust Fund Corporation Cooperating with the Governor’s Office of Storm Recovery (GOSR)
Certifying Officer:	Thomas King, Esq., Certifying Officer, GOSR
Project Name:	Ponquogue Marine Basin, Inc.
Funding Recipient:	Ponquogue Marine Basin, Inc.
Federal Agency:	U.S. Department of Housing & Urban Development (HUD)
Project #:	103-ED-32411-2013
Project Sponsor:	New York State Housing Trust Fund Corporation
Program Name:	New York State Community Development Block Grant-Disaster Recovery Small Business Grant Program (April 2013)
Project Address:	86 Foster Avenue, hamlet of Hampton Bays, Town of Southampton,
Project County:	Suffolk County, NY
Estimated Project Cost:	\$25,336.12
Project Sponsor Address:	Governor’s Office of Storm Recovery 99 Washington Avenue, Suite 1224 Albany, N.Y. 12231
Primary Contact/ Person To Direct Comments:	Thomas King, Esq., Assistant General Counsel and Certifying Officer, Governor’s Office of Storm Recovery
E-Mail address:	<i>Thomas.King@stormrecovery.ny.gov</i>
Telephone Number:	(646) 417-4660
Project NEPA Classification:	24 CFR 58.36
ENVIRONMENTAL FINDING:	<input checked="" type="checkbox"/> Finding of No Significant Impact - The project will not result in a significant impact on the quality of the human environment. <input type="checkbox"/> Finding of Significant Impact - The project may significantly affect the quality of the human environment.
	<p>The undersigned hereby certifies that New York State Housing Trust Fund Corporation has conducted an environmental review of the project identified above and prepared the attached environmental review record in compliance with all applicable provisions of the National Environmental Policy Act of 1969, as amended, (42 USC sec. 4321 et seq.) and its implementing regulations at 24 CFR Part 58.</p> <p>Preparer Signature:</p>  <p>NAME: Thomas King, Esq. Title/Agency: Assistant General Counsel & Certifying Officer Governor’s Office of Storm Recovery Date: 10/30/2015</p>
Environmental Assessment Prepared By:	Tectonic Engineering & Surveying PO Box 37, 70 Pleasant Hill Road Mountainville, NY 10953

Introduction:

Ponquogue Marine Basin is a full-service marina and boatyard located on the Shinnecock Bay in Suffolk County, New York (**Attachment 1**). This business rents out boat slips and boat storage as well as provides boat services. Additionally, boat towing services operate out of this marina. Ponquogue Marine Basin is located just inside the entrance of Foster's Creek, which connects to the Shinnecock Bay. Foster's Creek is a canal, and there are several marina businesses and other residences with waterfront property located along the canal. Ponquogue Marine Basin sustained damages during Hurricane Irene and Superstorm Sandy, including erosion of protective features, shoaling of the marina entrance, and damages to buildings, bulkheads, and docks on the property.

Project Activities: This project involves Community Development Block Grant - Disaster Recovery (CDBG-DR) program funding for marina infrastructure repair, restoration, and rehabilitation of marina function. The Applicant has also requested mitigation funding, and the activities for which mitigation funding is requested are reviewed within this environmental assessment. However, the mitigation funding amount is not included because the mitigation work is pending approval by permit-issuing agencies such as the New York State Department of Environmental Conservation (NYSDEC) and the United States Army Corps of Engineers (USACE). This environmental review is cognizant of the potential mitigation work, and this environmental review record (ERR) will be updated if the mitigation work is funded in the future. Additionally, a previous environmental review for \$78,163.88 for separate activities categorized under 24 CFR 58.35(b)(4) for this Applicant was completed on June 15, 2015 and is included in the environmental review record.

The proposed funding is described below:

- ❖ \$21,836.12 is allocated for future dredging of a portion of the marina basin.
- ❖ \$3,500.00 is allocated for applications for permits and designs.

Additionally, the Applicant is eligible for mitigation funding:

- ❖ \$100,000.00 dollars for *mitigation funds* are proposed. Mitigation will include replacing a portion of the marina's bulkheads and installing a new mean high wave wall in place of a brush jetty. The mean high wave wall will be 150 linear feet and will tie in to the replacement bulkheads. In some areas, navy bulkhead will be placed directly behind the existing functional wooden bulkheads. In other areas, the bulkheads will need to be replaced as the existing bulkheads are no longer functional. A bulkhead return will be installed in the area of the peninsula to limit or prevent bulkhead blowouts during potential future storms. Through the proposed work, the business owner will be able to support the existing bulkheads and prevent future damages from flood events. The funding of this mitigation work will be predicated on the Applicant acquiring all applicable environmental approvals and permits, some of which are included within this environmental assessment. However, the NYSDEC and USACE have not yet approved or issued permits for the mean high wave wall project. Hence, mitigation funds are not included in the total funding request at this time. If the mitigation work is approved for funding at a later time, the ERR will be updated.

Background & Context: According to Suffolk County's 2014 Draft update to the 2000 version of their Multi-Jurisdictional Hazard Mitigation Plan, the Town of Southampton is susceptible to frequent floods, occasional hurricanes, and occasional severe storms (page 9.36.6). Proof of damage at the Applicant's property is supported by a site visit.

The marina infrastructure was damaged during Hurricane Irene and Superstorm Sandy when water and wind damaged the buildings, bulkheads, and dock. Shoaling occurred within the

marina basin (especially near the entrance) as well as to Foster Creek, the main access canal to the Shinnecock Bay for this marina and other neighbors. Thus, access to the canal and the marina were compromised. Subsequently, the Town of Southampton dredged the canal entrance to allow boat access through the canal and to the marinas within the canal. The dredging did not occur on the Applicant's property, and the access to the Applicant's marina basin is still limited at the entrance at this time due to the shoaling that occurred during the storms. Building damages included roof damage from wind and water. The buildings on the marina property were not determined to be substantially damaged. According to the Applicant, the marina served as a safe harbor during Hurricane Irene and Hurricane Sandy and large boats tied up to the bulkheads within the marina. The marina was at capacity during the storms and the large heavy boats coupled with the storm surge across the property combined to create a condition that weakened the bulkheads and damaged the bulkheads in some areas.

Purpose & Need for the Project: The funding assistance provides for repair of damages from Hurricane Irene and Superstorm Sandy and will allow for the continued operation of the property as a marina. The continued operation of this marina would mean that boat towing services could continue to operate out of the marina, which connects to Shinnecock Bay. Moreover, the mitigation construction work will increase the resiliency of the business, and the properties surrounding the canal area. The mean high wave wall is proposed to limit wave action and storm surge across the property and the surrounding area, and it will reduce shoaling of the canal entrance as well as the marina entrance. The mean high wave wall will decrease the frequency with which the Town must maintenance dredge the entrance to Foster Creek. The mean high wave wall is also designed so that natural beach replenishment/ sedimentation occurs along the peninsula in front of the marina, which will allow the natural rehabilitation of the eroded area to historic property lines. This will create native habitat for flora and fauna in the area whilst increasing the protection of the marina and the surrounding properties. This project is generally supported by neighbors who will potentially benefit from the increased storm resilience, as stated in a letter from a neighbor, and from the Town Supervisor of the Town of Southampton. These letters of support are included in **Attachment 2**.

ENVIRONMENTAL ASSESSMENT FACTORS/ SCREENING

*[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a determination of impact. **Impact Codes:** (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification. Note names, dates of contact, telephone numbers and page references. Attach additional material as appropriate. Note conditions or mitigation measures required.*

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning	1	<p>The Town of Southampton Zoning Map, Hampton Bays to Shinnecock Hills section, indicates that the property is in a Resort Waterfront Business (RWB) zone. According to part 315-1 of the Town of Southampton Town Code, RWB zones are “intended to complement their proximity to the canal, and the types of uses permitted in the RWB Zoning District are a reflection of the resort tourism economy (of the area).” By providing support for the continued use of the property as a marina, the public maintains access to the water, and this is consistent with the RWB designation.</p> <p>The property is not in an area that is included in a NYSDEC watershed plan. http://www.dec.ny.gov/chemical/99985.html</p>
Compatibility and Urban Impact	1	<p>The project to rehabilitate and provide mitigation funds to the marina business is consistent with the developed area of the canal. There are several marinas, businesses, and residential properties with water access within the area of the business. The proposed project will not increase urban areas or the density of building or structures on land. The project occurs in a Resort Waterfront Business (RWB) zone and supports the local economy by providing recreational and commercial access to local waterways.</p>
Slope	1	<p>Per USGS Topographic Maps and a site inspection, the Site is located on a relatively flat area of land adjacent to the Shinnecock Bay. The proposed project does not involve a change in slope on-site or surrounding area. While the scope of work is not meant to influence slope or displace coastal floodplain, it is intended to advance site design and improvements that prevent potential undesirable erosion of the marina and surrounding properties. (Source Cited: Attachment 1)</p>
Erosion	2	<p>The southern side of the marina is protected by a peninsula which has eroded over time (as seen on aerial images and a historic property boundary survey provided by the property owner – Attachment 3). The repair/ replacement of bulkheads, and the construction of a</p>

		<p>mean high wave break wall will help to mitigate the erosion. Moreover, the mean high wave wall is expected to facilitate the natural replenishment of sand on the peninsula, allowing for terrestrial habitat, and a natural storm surge barrier to naturally return to this location. The mitigation work is expected to prevent the shoaling of sand into the entrance of Foster Creek, which is the Creek on which the business (and other marina businesses) is located.</p>
Soil Suitability	1	<p>US Dept. of Agriculture (USDA) Natural Resources Conservation Service (NRCS) maps provide information on soils types and properties that influence development of building sites. The information is intended for land use planning, evaluating land use alternatives, and for planning site investigations prior to design and construction. (See attached USDA Soil Map). According to the NRCS soils map data, the soils on the terrestrial portion of the property are fill land/ dredged materials, and the majority of the property is Plymouth loamy sand with 0 – 3% slopes.</p> <p>Considering the proposed scope of work is for dredging, bulkhead rehabilitation, and the installation of an in-water mean high wave break wall, and does not include the new construction of buildings or extensive subsurface foundations, it is expected that the designs and specifications used in construction will appropriately address soil suitability constraints. (Source Cited: Attachment 4)</p> <p>No potential undesirable impacts are anticipated to the soil, and the site should be improved in terms of its landscape stability. Moreover, dredged spoils will be retained on the property in an existing dike area previously used by the Town of Southampton to store spoils. Spoils will eventually be sold, or used on-site, in accordance with permit allowances.</p>
Hazards and Nuisances including Site Safety	1	<p>The property is not listed on a U.S. Environmental Protection Agency (EPA) Superfund National Priorities or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) list or equivalent State list, and is not located within 3,000 feet of a toxic or solid waste landfill site. A request for Bulk Storage records for the Property had been submitted to the Suffolk County Department of Health Services to corroborate site visit findings that no tanks are present on the Property. At the time of the response, the Suffolk County Department of Health Services indicated that they did not possess or maintain records for the Subject Property.</p>

		<p>One spill has been recorded on the Property and several spills have been recorded around the Property in the NYSDEC Spills Incidents Database. The spills were minor in nature, have been closed, and due to proximity of the spills to the site, there is low potential for the property to be contaminated by toxic chemicals or radioactive materials.</p> <p>A review of the EPA Resource Conservation and Recovery (RCRA) and NYSDEC Environmental Remediation databases provides no indication of past uses of the Property that could contaminate the Property or potentially adversely affect the occupants of the Property. The Property is listed as an Environmental Protection Agency Permit Compliance (EPA PCS) facility and is currently in non-compliance under the Clean Water Act due to permit schedule violations. The property is listed as a “N(RptViol)”, which is a Reportable Non-Compliance Category II. However, as of 10/07/2015, the facility is not determined to be in significant noncompliance (SNC) which would be addressed by formal enforcement actions, and it is not a Category I violation, which usually is addressed via informal processes. Due to the Category II nature of this reportable non-compliance for scheduling violations, it is not expected that a condition occurs at the site that poses a hazard to the health or safety of occupants of the property, or is inconsistent with the intended use of the property.</p> <p>Two EPA Resource Conservation and Recovery Act (RCRA) sites are located within 1,000 feet of the Property, however they have no violations. Based on the information contained in this document and the project description, the scope of work is not expected to involve contaminated soils, sediments, surface water, or groundwater.</p> <p>The funded activities do not involve actions that would involve potential recognized environmental conditions/contamination. Therefore, a Phase I Environmental Site Assessment (ESA) or Phase II ESA is not warranted. As such, no further action is required at this time. Maps and DEC and EPA reports are provided in the case 103-ED-32411-2013 HUD Environment Standards Review, annexed hereto as Attachment 5.</p> <p>If impacted (contaminated) soils or fill materials are tentatively identified during construction activities, work shall be halted, and a specific sampling and health and safety plan will be developed to manage and investigate the soils.</p>
Energy Consumption	2	The project will not expand an existing business relative to conditions prior to Hurricane Irene/ Superstorm Sandy or increase long-term energy consumption. Thus, no impacts to energy consumption are expected.

<p>Noise - Contribution to Community Noise Levels</p>	<p>1</p>	<p>The proposed project use is not a noise-sensitive use. The funded rehabilitation is for in-kind business infrastructure repair, dredging, and the installation of a mean high wave break wall. This project will not generate excessive noise during the short-term period of physical work and work will adhere to local municipal noise control standards.</p>
<p>Air Quality Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels</p>	<p>1</p>	<p>This project does not involve physical work that would substantively affect the NYSDEC Air Quality State Implementation Plan (SIP). No significant impacts on air quality will result. Generally, it is recommended to conduct construction rehabilitation and business assistance to ensure acceptable air quality during these temporary activities, including through minimization of volatile organic compounds and nitrogen oxides emissions. This includes operation of gas-powered construction equipment to avoid prolonged idling. It involves fugitive dust management in rehabilitation. It is also desirable to source low-VOC materials and inventory and energy star efficient equipment purchase, as practicable.</p> <p>This project is located in Suffolk County, which is listed as a current nonattainment county for all criteria air pollutants.</p> <p>http://www.epa.gov/airquality/greenbk/ancl.html</p> <p>Suffolk County: 8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Marginal)</p>
<p>Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale</p>	<p>1</p>	<p>The project involves repairs and replacements at an existing business, dredging, and the construction of a mean high wave break wall. The in-kind repair/replacement and dredging are consistent with the current use at the property, as the project will return the marina facility to pre-storm conditions. The mean high wave break wall is new construction and will be consistent with the marina use both at the business and for the neighboring properties. The wave break wall will be built in conformance with local, state, and federal permits that must be acquired before work begins. The mean high wave break wall will protect the marina and surrounding properties from future storm surges, which is consistent with the business being a safe harbor marina.</p> <p>The Town of Southampton Board of Trustees of the Freeholders & Commonalty of the Town of Southampton have approved the mitigation work for the mean high wave break wall. Thus, the project is consistent with surrounding uses, and the project is proposed at an</p>

		appropriate scale which will not detract from the aesthetic quality of surrounding areas.
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Socioeconomic		Code	Source or Documentation
Demographic Changes	Character	1	The proposed project is not expected to induce any change in the demographic character of the area.
Displacement		1	The project involves repairs/ replacements, dredging, and mitigation work to install a mean high wave break wall at an existing business. The project has no known potential to displace individuals or families, destroy jobs, local businesses or public community facilities or disproportionately affect particular populations.
Employment and Income Patterns		1	The project has no potential to adversely affect employment opportunities or income patterns. Short-term construction jobs will result from the project. Moreover, the project is intended to protect this small business from future flood events, which will allow for the continued and uninterrupted employment of the business's employees.

Community Facilities and Services		Code	Source or Documentation
Educational Facilities		1	The proposed project involves repairs, replacements, and mitigation at an existing business and will not introduce any new populations that would increase the student population of the area. As such, the project will not have an impact on educational facilities.
Commercial Facilities		1	The project involves repairs/ replacements, dredging, and mitigation work to install a mean high wave break wall at an existing business, and will not introduce any new development that would require additional retail services or other commercial facilities.
Health Care		1	The proposed project will not introduce any new development that would require the availability of routine or emergency health services.
Social Services		1	The proposed project would not impact social services. Social services are provided by a range of non-profit and government agencies.
Solid Waste		1	The proposal involves repairs, rehabilitation, and mitigation of an existing business site and will not introduce new business development that would generate solid wastes on an ongoing basis. Soils and dredged materials will be retained on-site in a previously existing dike area. Dredged materials will be handled in accordance with environmental permits acquired for the work. If there are construction wastes generated, according to the type of waste generated, it will be appropriately disposed of according to construction waste management practices in an appropriate, legally

		compliant receiving facility.
Waste Water	1	The proposed project involves repairs, rehabilitation, and mitigation and will not introduce development that would generate waste water.
Storm Water	1	The proposed project involves rehabilitation and mitigation at an existing business and will not adversely affect storm water runoff. The post-construction condition is expected to reduce potential for erosion on the property and could have potential to improve resiliency to storm surges.
Water Supply	1	The proposed project will not increase demand for water.
Public Safety - Police	1	The proposed project will not generate new demand for police services.
- Fire	1	The proposed project will not generate new demand for fire services.
- Emergency Medical	1	The proposed project will not generate new demand for emergency medical services.
Open Space & Recreation - Open Space	1	The project involves repairs/ replacements, dredging, and mitigation work to install a mean high wave break wall at an existing business, and will not introduce new development that would generate demand for open space resources or impede open space access. Moreover, the proposed work will allow the continued existence of the property as a marina, which by nature, of its business, allows access to open space (Shinnecock Bay), and recreational opportunities.
- Recreation	1	The proposed project will not introduce new development that would generate demand for recreational resources and nor will it impede recreational access. The proposed projects at this business are intended to protect a marina which provides recreational and commercial access to watercourses.
- Cultural Facilities	1	<p>Based on a Section 106 project review, in accordance with a determination by the State Historic Preservation Office (SHPO) received on December 5, 2014, this project will have no adverse effect on historic properties or cultural resources. No further action will be required. See SHPO letter of determination annexed hereto as (Attachment 6).</p> <p>Due to limited, potentially new ground disturbance, notice of the proposed activity was sent to the Shinnecock Nation. No potential effects to Tribal Resources are anticipated, and no response from the Shinnecock Nation has been received. (Source Cited: Attachment 6).</p> <p>If there is any unanticipated discovery of cultural resources, then work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.</p>

Transportation	1	The proposed project involves repairs and a limited upgrade at an existing business, and besides limited trips generated by construction vehicles during a short window of construction, the project will not introduce new development that generates continuing demand for transport or transport services.
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Natural Features

Source or Documentation

Water Resources	1	The proposed project involves repairs/replacements at an existing business and will not introduce new demand for groundwater or surface water as water supply and nor would the project introduce septic flows that may affect groundwater. Materials for construction of bulkheads will be in accordance with local, state, and federal regulations set forth in permits required for the proposed work.
Surface Water	1	<p>The proposed project involves repairs and mitigation at an existing business - adherence to construction best management practices will limit the short-term impacts to surface waters. The business is located just inside the entrance of Foster Creek, where the Creek intersects and provides access to the Shinnecock Bay.</p> <p>The Shinnecock Bay is a South Shore Estuary Reserve (SSER), and the Shinnecock Bay is biologically and commercially significant. The Bay is home to shellfish, and commercial fishing occurs in this Bay. Consequently, the Bay area is also nesting and feeding habitat for migratory birds. The Plan recommends a no-net increase in shoreline hardening, especially bulkheads. The proposed project to repair bulkheads only results in functional bulkheads replacing damaged bulkhead in-place in an already existing developed marina. It does not involve a net-increase in shoreline hardening. The mean high wave break wall will increase shoreline hardening in certain areas of the marina, but this will occur at the already established marina basin where heavy boat use and human interference are likely to already have precluded migratory bird species from regularly populating the area. The wave wall portion which projects into Shinnecock Bay does not harden the shoreline, or disconnect the Bay from the terrestrial habitat as a bulkhead would. Moreover, the mean high wave wall is likely to induce the natural replenishment of a peninsula protecting the marina and surrounding area, potentially expanding habitat for terrestrial and marine species. For these reasons, and because the Town of Southampton Board of Trustees have approved this project (Attachment 2 and Attachment 10), the proposed project is consistent with the Marine Resources Protection and Management Plan – Moriches Bay, Shinnecock Bay and Mecox Bay, which was developed</p>

		by the Board of Trustees of the Town of Southampton and the Town of Southampton.
Unique Natural Features and Agricultural Lands	1	According to NYSDEC's Environmental Resource Map, the site is not located in a significant natural community or significant natural community buffer (Attachment 7). (Also, based on the project description and a review of available environmental records for the property and surrounding area, the funded activities do not involve actions that would involve potential recognized environmental conditions/contamination. Therefore, a Phase I Environmental Site Assessment (ESA) or Phase II ESA is not warranted.) The property is a marina and is not agricultural land. A limited portion of the mean high wave wall may extend into significant coastal fish and wildlife habitat in the Shinnecock Bay.
Vegetation and Wildlife	1	<p>The proposed project involves repairs/ replacement of business infrastructure, dredging, and mitigation work for a mean high wave break wall at an existing business.</p> <p>Dredging will restore the marina basin entrance to pre-storm conditions, bulkheads will be replaced in-kind and in-place with limited new ground disturbance for a bulkhead return. The proposed mean high wave break wall will occur in a mostly previously disturbed area where there is a brush jetty. Minor portions of the mitigation work will occur in what is presumed to be previously undisturbed areas along the peninsula. However, the mean high wave break wall is proposed to mitigate erosion of the peninsula to protect the marina and allow for natural beach replenishment which will provide habitat for terrestrial and marine flora and fauna. The mean high wave break wall is also expected to reduce the frequency of which it is necessary to dredge the entrance to Foster Creek and, thus, will reduce impacts to marine species throughout the long-term lifespan of the mean high wave wall.</p> <p>According to information reviewed on New York State Environmental Resource Mapper at http://www.dec.ny.gov/imsmaps/ERM/viewer.htm, the site is not within NYS DEC's designated rare, threatened or endangered species generalized review area per the NYS Natural Heritage Program (Attachment 7). The NYS Natural Heritage Program indicated that the NHP did not have any records of rare or state-listed animals or plants, or significant natural communities at the project site or its vicinity (Attachment 8).</p> <p>The United States Fish and Wildlife Services' Trust Resource List for the project area indicate that the Piping Plover (<i>Charadrius melodus</i>), Red Knot (<i>Calidris canutus</i></p>

	<p><i>rufa</i>), Roseate Tern (<i>Sterna dougallii dougallii</i>), Sandplain Gerardia (<i>Agalinis acuta</i>), Seabeach Amaranth (<i>Amaranthus pumilus</i>), and the Northern Long-eared Bat (<i>Myotis septentrionalis</i>) should be considered in an effects analysis for the proposed project area. Upon providing an analysis of possible effects, the USFWS acknowledged receipt or a “no effect” determination for this project. Thus, no further Endangered Species Act coordination or consultation is required, and the project is determined to not have an effect on the aforementioned species. (Source Cited: Attachment 8)</p> <p>National Marine Fisheries Service Maps for the Atlantic Coast indicate that the proposed project occurs within the range of Atlantic large whales, sea turtles, and within the estimated range of Atlantic sturgeon distinct population segments (DPSs). After consultation with NMFS, it has been concluded that the project may affect but is not likely to affect listed species and no further action is necessary for compliance. A copy of this correspondence is included in Attachment 8.</p> <p>If there is any unanticipated discovery of threatened or endangered species, then work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.</p>
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ENVIRONMENTAL ASSESSMENT WORK SHEET

Directions: The Responsible Entity (RE) must make a determination as to whether the activities affiliated with the project will affect the resource under consideration and trigger formal compliance consultation procedures with the appropriate oversight agency and/or subsequent mitigation. You may consult guidance by clicking on links in each box below which also will take you to information from agency web sites. If the activity affects the resource, indicate (A) in the Status Determination Column below. Or indicate (B) in that column if the activity does not affect the resources under consideration. The compliance documentation column should indicate what source documentation was used to make the compliance determination and copies of all necessary documentation should be attached to the completed form for inclusion in the Environmental Review Record (ERR).

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5	Status Determination (A or B)	Compliance Documentation
Wetland Protection [Executive Order 11990]	B	<p>There are mapped wetlands on and adjacent to the site, based on U.S. Fish & Wildlife Service (USFWS) National Wetlands Inventory maps and the NYSDEC tidal wetland maps annexed hereto as Attachment 7. Wetland impacts from the proposed project were considered. The proposed project activities and the projected project impacts are discussed in the <i>Floodplain Management (EO11988) & Protection of Wetlands (EO11990) Determination</i> for this project, annexed hereto as Attachment 9. It is concluded there is a reasonable basis to proceed with funding for the projects/activities within wetland and floodplain.</p> <p>Permits applicable to working in wetlands and watercourses are required for the proposed funded activities on the property, as outlined below:</p> <p>Dredging (all permits received):</p> <ul style="list-style-type: none"> • NYSDEC Article 25 - Tidal Wetlands • Water Quality Certification Under Section 401 of the Clean Water Act • NYSDEC Article 15 - Excavation and Fill in Navigable Waters • USACE Section 404 Clean Water Act. • Board of Trustees of the Freeholders & Commonalty of the Town of Southampton <p>Bulkhead (all permits received):</p> <ul style="list-style-type: none"> • NYSDEC Article 25 - Tidal Wetlands • Water Quality Certification Under Section 401 of the Clean Water Act • NYSDEC Article 15 - Excavation and Fill in Navigable Waters

		<ul style="list-style-type: none"> • Qualifies for USACE Nationwide Permit (NWP) # 3 – Maintenance Permit. • Board of Trustees of the Freeholders & Commonalty of the Town of Southampton <p>Mean High Wave Wall (permits pending):</p> <ul style="list-style-type: none"> • NYSDEC Article 25 - Tidal Wetlands • Water Quality Certification Under Section 401 of the Clean Water Act • NYSDEC Article 15 - Excavation and Fill in Navigable Waters • USACE Section 404 Clean Water Act. • Board of Trustees of the Freeholders & Commonalty of the Town of Southampton <p><u>As a condition of funding, proof of the aforementioned permits or other documentation of compliance will be obtained. Funds for the work will not be released to the Applicant until the appropriate documentation is provided.</u></p> <p>Permits already obtained are included in Attachment 10.</p>
Coastal Zone Management [Coastal Zone Management Act, 1972, sec. 307 (c) and (d)]	B	The project is located within the NYS Coastal Boundary (Attachment 7). The State of New York Department of State (DOS) has determined that this proposed project meets the Department's general consistency concurrence criteria, and that the DOS has no objection to the use of U.S. Housing and Urban Development funds for the proposed activity. A copy of the DOS general consistency concurrence and the coastal zone consistency determination document are attached in Attachment 11.
Historic Preservation [36 CFR Part 800]	B	Based on a Section 106 project review, in accordance with a determination by the State Historic Preservation Office (SHPO) received on December 5, 2014, this project will have no adverse effect on historic properties or cultural resources. No further action will be required. See SHPO letter of determination annexed hereto as Attachment 6.
		If there is any unanticipated discovery of cultural resources, then work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.
Floodplain Management [Executive Order 11988; 24 CFR Part 55]	A	The majority of the property, including all areas of proposed work, are located within 100-year floodplain (SFHA-AE Zone) per the FEMA floodplain map number 36103C0782H, effective date September 25, 2009. Compliance is documented in the <i>Floodplain Management (EO11988) & Protection of Wetlands</i>

		<i>(EO11990) Determination</i> , annexed hereto as Attachment 9 . See also, the FEMA Firmette generated for this property in Attachment 7 .
Sole Source Aquifers [40 CFR 149]	B	Total impervious area will not be increased significantly, which is considered to be 30% for Safe Drinking Water Act purposes in Region II. This authority will not be triggered since these activities will not increase the pre-existing footprint of structures, sidewalk, driveway, parking lot, or other developed areas.
Endangered Species Act [50 CFR 402]	B	<p>The proposed project involves repairs/ replacement of business infrastructure, dredging, and mitigation work for a mean high wave break wall at an existing business.</p> <p>Dredging will restore the marina basin entrance to pre-storm conditions, bulkheads will be replaced in-kind and in-place with limited new ground disturbance for a bulkhead return. The proposed mean high wave break wall will occur in a mostly previously disturbed area where there is a brush jetty. Minor portions of the mitigation work will occur in what is presumed to be previously undisturbed areas along the peninsula. However, the mean high wave break wall is proposed to mitigate erosion of the peninsula to protect the marina and allow for natural beach replenishment which will provide habitat for terrestrial and marine flora and fauna. The mean high wave wall is also expected to reduce the frequency of which it is necessary to dredge the entrance to Foster Creek and, thus, will reduce impacts to marine species throughout the long-term lifespan of the mean high wave wall.</p> <p>According to information reviewed on NYSDEC Environmental Resource Mapper at http://www.dec.ny.gov/imsmaps/ERM/viewer.htm, the site is not within NYSDEC's designated rare, threatened or endangered species generalized review area per NYS Natural Heritage Program (Attachment 7). The NYS Natural Heritage Program indicated that the NHP did not have any records of rare or state-listed animals or plants, or significant natural communities at the project site or its vicinity (Attachment 8).</p> <p>The United States Fish and Wildlife Services' Trust Resource List for the project area indicate that the Piping Plover (<i>Charadrius melodus</i>), Red Knot (<i>Calidris canutus rufa</i>), Roseate Tern (<i>Sterna dougallii dougallii</i>), Sandplain Gerardia (<i>Agalinis acuta</i>), Seabeach Amaranth (<i>Amaranthus pumilus</i>), and the Northern Long-eared Bat (<i>Myotis septentrionalis</i>) should be considered in an effects analysis for the proposed project area. Upon providing an analysis of possible</p>

		<p>effects, the USFWS acknowledged receipt or a “no effect” determination for this project. Thus, no further Endangered Species Act coordination or consultation is required, and the project is determined to not have an effect on the aforementioned species. (Source Cited: Attachment 8)</p> <p>National Marine Fisheries Service Maps for the Atlantic Coast indicate that the proposed project occurs within the range of Atlantic large whales, sea turtles, and within the estimated range of Atlantic sturgeon distinct population segments (DPSs). After consultation with NMFS, it has been concluded that the project may affect but is not likely to affect listed species and no further action is necessary for compliance. A copy of this correspondence is included in Attachment 8.</p> <p>If there is any unanticipated discovery of threatened or endangered species, then work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.</p>
<p>Wild and Scenic Rivers [16 U.S.C. 1271, Sec. 7(b), (c)]</p>	<p>B</p>	<p>Not Applicable. The U.S. Department of the Interior and the NYSDEC designate Carmans, Peconic, and Nissequogue Rivers as scenic rivers within Suffolk County; The project area is not located adjacent to such watercourses.</p>
<p>Clean Air Act [40 CFR Parts 6, 51, 93]</p>	<p>B</p>	<p>This project involving in-kind repairs, dredging, and mitigation work for a proposed mean high wave break wall at an existing business does not involve physical work that would substantively affect the NYSDEC Air Quality State Implementation Plan (SIP). No significant impacts on air quality will result. Generally, it is recommended to conduct construction rehabilitation and business assistance to ensure acceptable air quality during these temporary activities, including through minimization of volatile organic compounds and nitrogen oxides emissions. This includes operation of gas-powered construction equipment to avoid prolonged idling. It involves fugitive dust management in rehabilitation. It is also desirable to source low-VOC materials and inventory and energy star efficient equipment purchase, as practicable.</p> <p>This project is located in Suffolk County, which is listed as a current nonattainment county for all criteria air pollutants.</p> <p>http://www.epa.gov/airquality/greenbk/ancl.html</p> <p>Suffolk County</p>

		8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Marginal)
Farmland Policy Act [7 CFR Part 658]	B	Not Applicable. The proposed project occurs in a developed marina basin in a developed area (see USGS topographic map; Attachment 1) and does not involve agricultural lands.
Environmental Justice [Executive Order 12898]	B	This rehabilitation and economic development project occurs in a State-identified EJ area http://www.dec.ny.gov/docs/permits_ej_operations_pdf/suffolkejeast.pdf . The project is intended to provide funds for repair and mitigation at a damaged business and will support business continuity and community and economic development. The project does not contribute to or promote environmental injustice.
Noise Abatement and Control [24 CFR Part 51, Subpart B]	B	The proposed use is not a noise-sensitive use. This project will not generate excessive noise during the short-term period of physical work and work will adhere to local noise control standards.
Explosive and Flammable Operations [24 CFR Part 51 C]	B	Acceptable separation distance requirements do not apply to this rehabilitation, mitigation, and economic development project because the definition for HUD assisted projects in 24 CFR Part 51.201 is predicated on whether the project increases the number of people exposed to hazardous operations. The environmental review for this project/activity involves a proposal to rehabilitate a pre-existing non-residential development that existed prior to the disaster. Pursuant to Part 51 Subpart C 'HUD-assisted project' Definition (in 51.201), it does not involve increasing residential or business densities, converting the type of use of a building to habitation, or making a vacant building habitable; therefore, there is not a requirement to comply under 24 CFR Part 51 Subpart C.
Airport Clear Zones and Accident Potential Zones [24 CFR Part 51 Subpart D]	B	The project does not involve acquisition; therefore, airport clear zone requirements are not applicable (also confirming compliance with 58.6).

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.6 and Other State Laws	Status Determination (A or B)	Compliance Documentation
Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]	A	Based on Flood Insurance Rate Map 36103C0782H, effective date September 25, 2009, portions of the property are located within Special Flood Hazard Area. Proof of National Flood Insurance Program (NFIP) insurance is required. See attached FEMA Firmette (Attachment 7). Applicant shall be required to show proof of current flood insurance prior to closeout, and when received, proof of current flood insurance shall be appended to the ERR.
Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)]	B	<p>The site is NOT in a Coastal Barrier Resource Area System Unit or Otherwise Protected Area, as is documented in correspondence from the USFWS (Attachment 12). Additionally, based on the NYS Coastal Barrier Resources map (Attachment 7), the site is not located within or a Coastal Barrier Resource area.</p> <p>The mean high wave break wall will be built entirely outside of the Coastal Barrier Resource System (CBRS) unit located south of the marina within Shinnecock Bay.</p> <p>As a condition of funding, the Applicant will be required to sign and abide by a Grant Agreement Addendum prohibiting the use of funding for construction, expansions, or repairs originating from the Applicant's property and extending into the CBRS unit.</p> <p>Therefore, no impacts would result.</p>
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]	B	The proposed project does not involve the purchase or acquisition of a property and is not within one mile of a military airport or 2,500 feet of any civil airport. Therefore, no impacts would result.

SUMMARY OF FINDINGS

Grant assistance for construction-related repair and rehabilitation of bulkheads, for dredging, and for future mitigation construction for a mean high wave break wall is consistent with the marina use on the business location. The project will allow the continued operation of the business as a marina, and the mitigation work is expected to benefit the marina and surrounding properties by increasing protection of the Foster Creek canal entrance to Shinnecock Bay, and increasing resiliency of the Applicant business and surrounding properties to future storm surges. The Foster Creek entrance was maintenance dredged by the Town of Southampton after Superstorm Sandy in order to restore Shinnecock Bay access for businesses and residents located on the canal. The proposed mitigation work at this business is endorsed by the Town of Southampton Supervisor (**Attachment 2**), as the mean high wave break wall is designed to limit the amount of shoaling that occurs across the canal entrance and the marina entrance, potentially limiting the frequency with which the Town must maintenance dredge the entrance to Foster's Creek. Additionally, the proposed mitigation work could limit the impact of future storm surges across the marina and surrounding neighborhood.

The work occurs almost entirely in previously disturbed areas, and impacts to flora and fauna will be limited to the short-term duration of construction related activities. As documented in this environmental review record, there are no anticipated impacts to rare, threatened, or endangered species as a result of this project. The project complies with coastal policies, and it is anticipated that this project will have beneficial impacts for coastal resiliency for the marina and the surrounding neighborhood.

ALTERNATIVES TO THE PROPOSED ACTION

Alternatives & Project Modifications Considered [24 CFR 58.40(e), Ref. 40 CFR 1508.9]

One potential alternative is to relocate the business to avoid potential future impacts at its current location. However, the marina business is functionally dependent on its location on the water. Thus, locating the business outside of 100-year floodplain is not practicable. Finding other suitable locations for this marina business elsewhere, within a reasonable distance of the current location, is anticipated to be difficult due to the highly built up area and occupancy of coastal land. Finally, this marina served as a safe harbor marina during Superstorm Sandy and, thus, is a suitably protected location for boats during future storms. The proposed work is aimed at maintaining the marina which can act as a safe harbor during future storms.

A second alternative would be to limit funding to only repair or mitigation costs, rather than assisting with both expenses. However, the repair and the mitigation construction are both necessary in order to maintain uninterrupted business at this location and increase resiliency to future storms. The repair and dredging work will again allow larger vessels to access the marina for safe harbor (access is currently limited due to shoaling during Superstorm Sandy). The mitigation work will protect the repair and rehabilitation investments, and it will also provide a greater degree of protection to the surrounding residences and businesses on the canal. Thus, providing assistance for repair/rehabilitation and mitigation is deemed preferable.

No Action Alternative [24 CFR 58.40(e)]

The "no action" alternative means that there would not be assistance for maintenance dredging to restore normal access at the marina entrance, for bulkhead repair, or for the installation of a mean high wave break wall. Without assistance, the repairs and mitigation

work may not be completed, and the business could struggle to provide services to its customers. Moreover, the “no action” alternative would leave the business, and the surrounding properties, vulnerable to future flood events and would render the business owner’s ability to mitigate future flood damages significantly impeded. This action would greatly affect this business and surrounding community, as recovery would be greatly impaired due to lack of financial support. Thus, the “no action” alternative would not support this business’s recovery nor help the community recover from these storms.

Mitigation Measures Recommended [24 CFR 58.40(d), 40 CFR 1508.20]

To prevent future flood damage, the business owner proposes to construct a mean high wave break wall in place of the existing damaged brush jetty. The mean high wave wall is intended to reduce storm surges across the marina and surrounding properties, and to allow natural replenishment of the peninsula that protects the marina basin and surrounding neighborhoods.

If there is any unanticipated discovery of endangered or threatened species, cultural resources, soils or sediment contamination, or any other conditions affecting the factors, executive orders, stipulations, and/ or regulations discussed within this assessment, then work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.

Any change to the approved scope of work will require re-evaluation by the Certifying Officer for compliance with NEPA and other laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. **Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.**

ADDITIONAL STUDIES PERFORMED &/OR LIST OF SOURCES, AGENCIES AND PERSONS CONSULTED [40 CFR 1508.9(b)] (With studies or summaries attached)

- Attachment 1: Location Maps (Street Map & Topographic Map)
- Attachment 2: Letters of Support for Project
- Attachment 3: Sketch Map of Work Locations, Property Survey, and Project Plans
- Attachment 4: USDA NRCS Soils Map and Supplemental Information
- Attachment 5: HUD Environmental Standards Review
- Attachment 6: Section 106 Determination
- Attachment 7: NYSDEC Environmental Resource Map; USFWS NWI Map; Coastal Maps; FEMA Firmette
- Attachment 8: Section 7 ESA Compliance
- Attachment 9: Floodplain Management (EO11988) & Protection of Wetlands (EO11990) Determination
- Attachment 10: Environmental Permits
- Attachment 11: Department of State Coastal Consistency Determination
- Attachment 12: Coastal Barrier Resource Act Determination

Other Sources:

Marine Resources Protection and Management Plan – Moriches Bay, Shinnecock Bay and Mecox Bay <http://www.southamptontownny.gov/DocumentCenter/View/1273>

Town of Southampton Zoning Maps <http://www.southamptontownny.gov/222/Zoning-Maps>

DETERMINATION: The preparers have complied with all provisions of 24 CFR Part 58, Subpart E—Environmental Review Process: Environmental Assessments, examining alternatives to the project itself, feasible ways to modify the project to eliminate or minimize adverse impacts, and based on steps (a) through (f) found in the regulations, determined the following:

- (1) Finding of No Significant Impact (FONSI), whereby the Responsible Entity may proceed to Dissemination and publication of the FONSI, per regulations found at 24 CFR Part 58, sec. **58.43(a)**.

Preparer Signature: Andrea Diwers Date: 10/30/2015

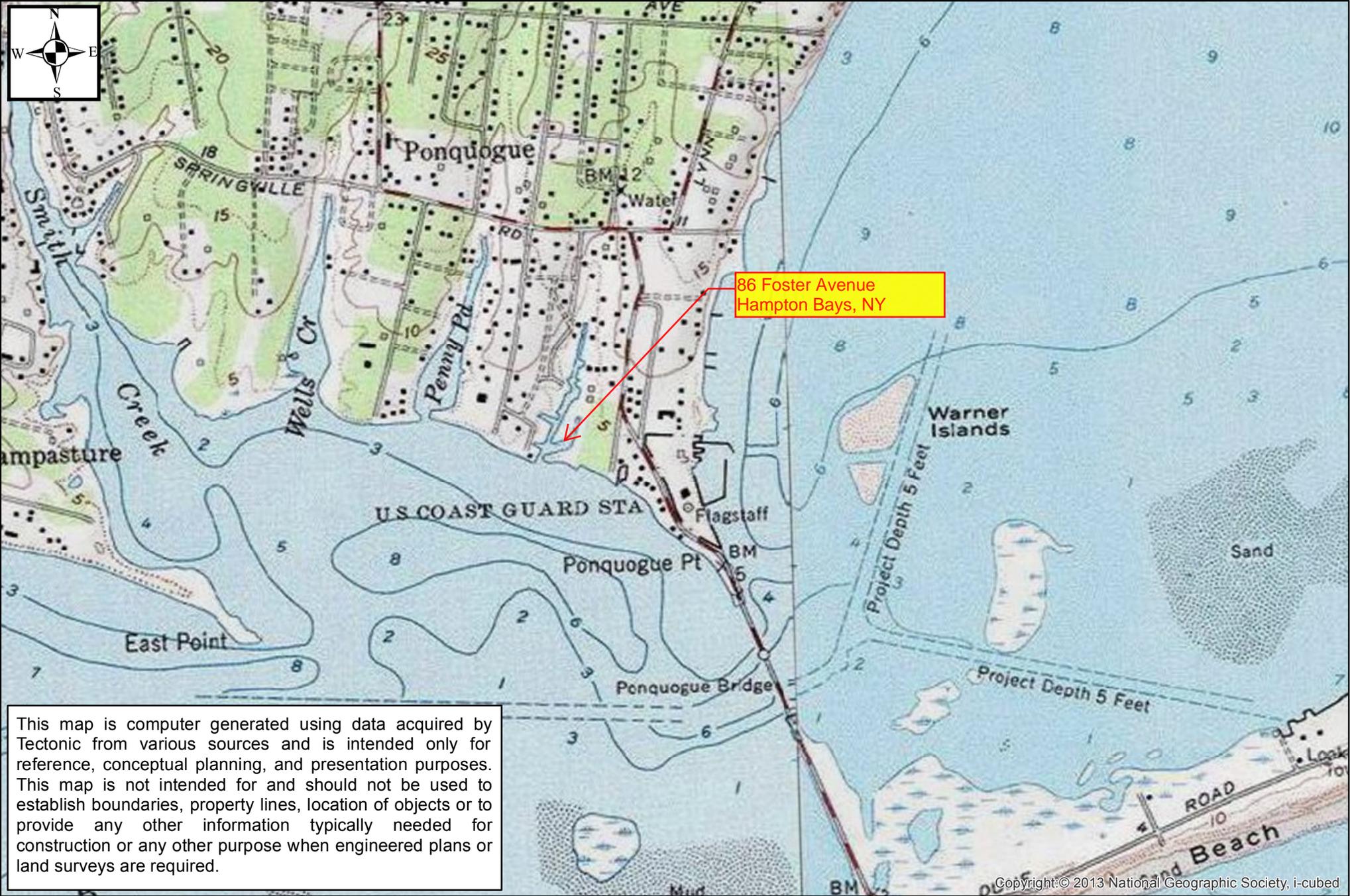
Name/Title/Organization: Tectonic Engineering & Surveying Consultants, P.C.

Certifying Officer Signature: Thomas J. King Date: 10/30/2015

Name/Title: Thomas King, Environmental Director & Certifying Environmental Officer

Attachment 1

Location Maps



This map is computer generated using data acquired by Tectonic from various sources and is intended only for reference, conceptual planning, and presentation purposes. This map is not intended for and should not be used to establish boundaries, property lines, location of objects or to provide any other information typically needed for construction or any other purpose when engineered plans or land surveys are required.



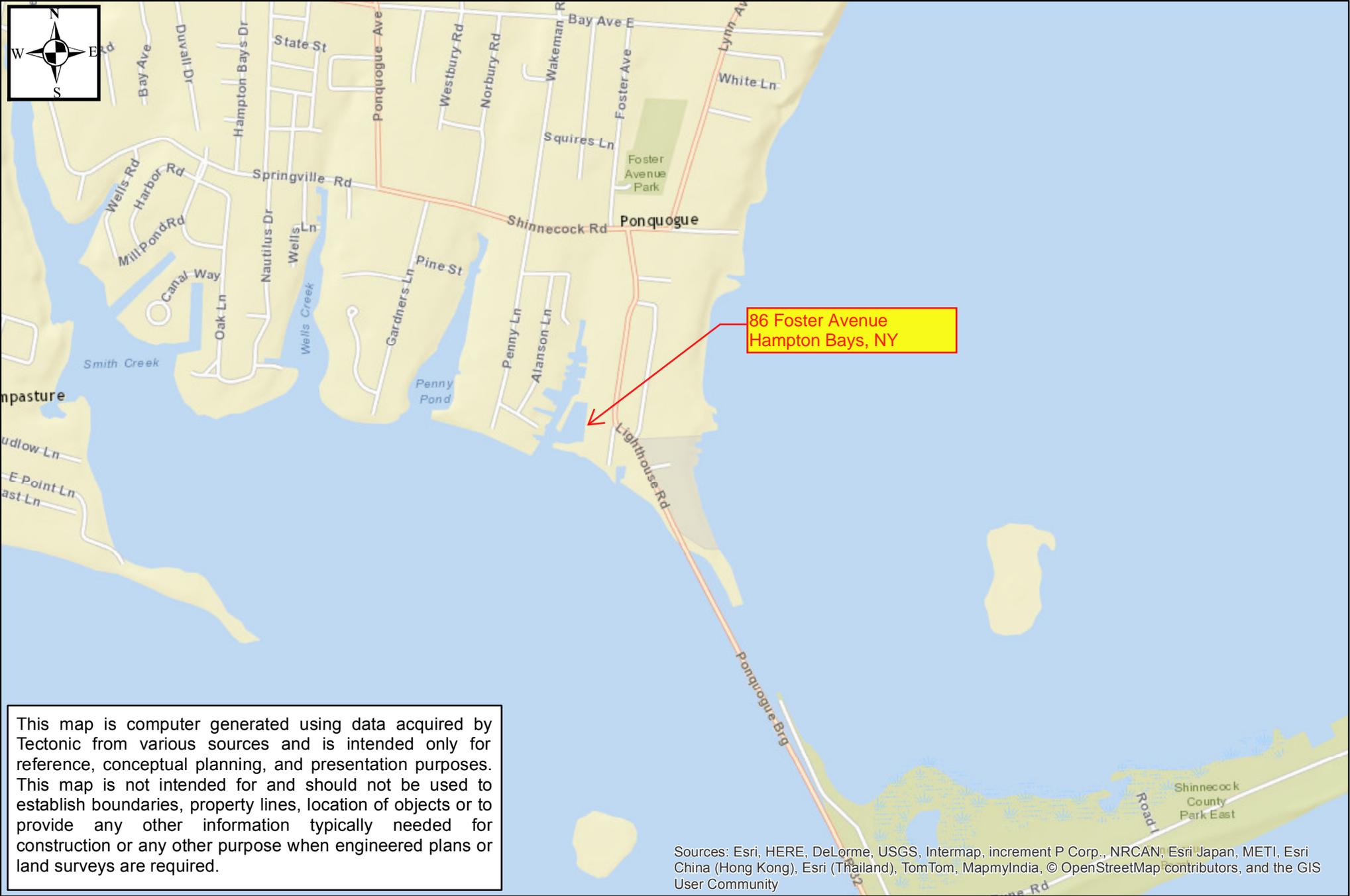
Tectonic
 70 Pleasant Hill Road,
 Mountainville, NY 10953
 845.534.5959 voice
 845.534.5999 fax
 www.tectonicengineering.com

Topographic Map
Ponquogue Marine Basin
 86 Foster Avenue
 Hampton Bays, NY



1:15,000

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Topographic Map
Ponquogue Marine Basin
 86 Foster Avenue
 Hampton Bays, NY



1:15,000

Attachment 2

Letters of Support for Project



ANNA THRONE-HOLST
Supervisor

TOWN OF
SOUTHAMPTON
116 Hampton Road, Southampton, NY 11968

Telephone: (631) 283-6055
Fax: (631) 287-5708
athrone-holst@southamptontownny.gov

April 30, 2015

Governor's Office of Storm Recovery
Att: Daniel Greene, Certifying Officer
25 Beaver Street, 5th Floor
New York, NY 10004

Dear Mr. Greene,

I write to express my support of the project at the Ponquogue Marine Basin, Inc. with the storm rehabilitation support being provided by the Governor's Office of Storm Recovery. The Marine Basin experienced significant damage to the buildings on its property as the result of Hurricane Irene and Superstorm Sandy.

The support in the form of CDBG-DR funding will provide the funding that is critical to ensure the work is done to repair the damage that was done to the property, and in addition, to create the wave wall that will protect the marina and surrounding properties against damage caused by future storms. The Town of Southampton has approved the permit for the construction of the wave wall and we look forward to the swift implementation of this project.

Thank you again for your support of this project.

Sincerely,

Anna Throne-Holst
Supervisor

LARRY TAUBER

12 Gilbert Road
Hampton Bays, NY 11946

May 20th 2014

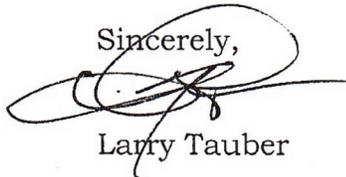
Attn: NY Rising Community
Reconstruction Program

To Whom It May Concern:

I am writing this letter on behalf of myself and my neighbors regarding the application by Ponquogue Marina for the construction of a navy wall at the opening of Foster Creek on the Shinnecock Bay. Please note that I have owned my home since 1991 and there has been a steady and ever increasing deterioration of my property and the bulkhead that protects it along Foster Creek along with my neighbors who share the same issues.

This deterioration and continued damage was only exasperated by the recent storms of Irene and Sandy. The construction of this wall would vastly eliminate the water surges caused by the wind and storm weather that blows from East to West pounding the properties along this area and moving large amounts of sand into the creek itself, necessitating constant dredging. The granting of permits, the financial assistance and support from your organization would be greatly appreciated and be in the interest of the public safety by the longtime residents of this area who have suffered with flooding issues that have damaged properties up and down this area.

Sincerely,

A handwritten signature in black ink, appearing to be 'Larry Tauber', written over a circular scribble.

Larry Tauber

Attachment 3

Sketch Map of
Work Locations,
Property
Survey, and
Project Plans

This Survey was provided by the Applicant.



SCALE: 1" = 50'

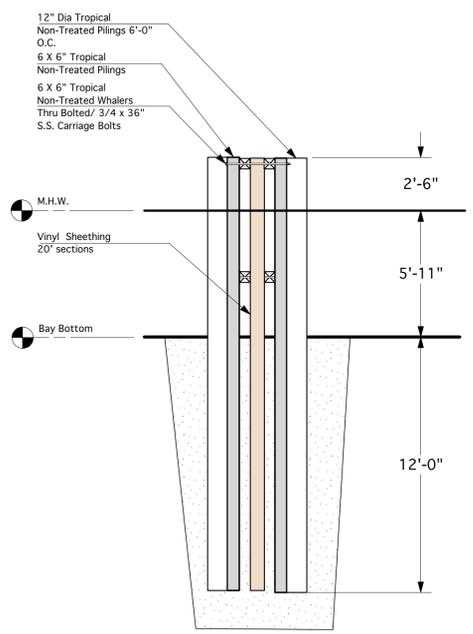
△	REVISIONS	DATE
	Original	11/20/2014

Project: **Ponquogue Marina Navy Pier Proposal**
 86 Foster Ave
 Hampton Bays, NY

EDWARD A. BATCHELLER LLC Sheet
 Architectural Design + Drafting
 7 Jagger Lane, Westhampton, NY 11977 631.365.2224

A1 Site Plan

REVISIONS	DATE
ORIGINAL	3/5/2015



2 SECTION AT NAVY WALL
Scale: 1/4" = 1'-0"

LINE OF EXISTING SHORELINE FROM SURVEY OF JULY, 1975

FOSTER'S CREEK (DUG CANAL)

SHINNECOCK BAY

50'-0"

1'-0" ABOVE ELEVATION OF EXISTING BULKHEAD (2'-6" ABOVE MEAN HIGH WATER)

1'-0" ABOVE ELEVATION OF EXISTING BULKHEAD (2'-6" ABOVE MEAN HIGH WATER)

ENTRANCE TO PONQUOGUE MARINA

EXISTING BULKHEAD AT TABOR RES.

149'-6"

LINE OF EXISTING SHORELINE FROM SURVEY OF NOV. 15TH, 2013

LINE OF EXISTING BULKHEAD

Project: **PONQUOGUE MARINA**
JETTY/WAVE BREAK WALL
FOSTER'S CREEK, HAMPTON BAYS, NY

EDWARD A. BATCHELLER LLC
 Architectural Design + Drafting
 7 Jagger Lane, Westhampton, NY 11977 631 355 2224

Sheet **A2**

PLAN & SECTION



-  Area of Dredging.
-  Bulkhead Repair/Replacement
-  Mean High Wave Break Wall

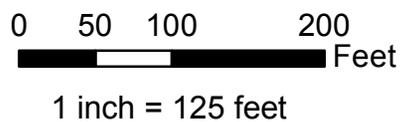


This map is computer generated using data acquired by Tectonic from various sources and is intended only for reference, conceptual planning, and presentation purposes. This map is not intended for and should not be used to establish boundaries, property lines, location of objects or to provide any other information typically needed for construction or any other purpose when engineered plans or land surveys are required.



TECTONIC
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Ponquogue Marine Basin
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 Hampton Bays, N.Y. 11946



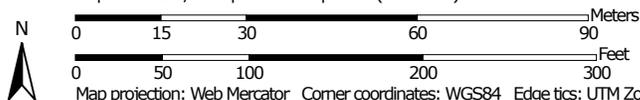
Attachment 4

USDA NRCS Soils Maps and Supplemental Information

Soil Map—Suffolk County, New York



Map Scale: 1:1,320 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

7/13/2015
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Suffolk County, New York
 Survey Area Data: Version 12, Sep 16, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Suffolk County, New York (NY103)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Fd	Fill land, dredged material	0.8	16.3%
PIA	Plymouth loamy sand, 0 to 3 percent slopes	2.1	43.2%
W	Water	1.9	40.5%
Totals for Area of Interest		4.8	100.0%

Attachment 5

HUD Environmental Standards Review

Case 103-ED-32411-2013 HUD Environmental Standards Review

Property Address: 86 Foster Avenue, Hamptons Bays, Suffolk County NY

Introduction: The purpose of this review is to ensure that the project complies with HUD environmental standards in relation to 24 CFR Part 58.5. Properties that are proposed for use in HUD programs “must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.”

A desktop review was performed to identify whether the Property referenced in the title of this document complies with the following criteria:

- (i) is not Listed on an EPA Superfund National Priorities or Comprehensive Environmental Response Superfund National Priorities or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) List, or equivalent State list;
- (ii) is not located within 3,000 feet of a toxic or solid waste landfill site;
- (iii) does not have an underground storage tank;
- (iv) is not known or suspected to be contaminated by toxic chemicals or radioactive materials.

Summary of Findings: The property is not listed on a U.S. Environmental Protection Agency (EPA) Superfund National Priorities or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) list or equivalent State list, and is not located within 3,000 feet of a toxic or solid waste landfill site. A request for Bulk Storage records for the Property had been submitted to the Suffolk County Department of Health Services to corroborate site visit findings that no tanks are present on the Property. At the time of the response, the Suffolk County Department of Health Services indicated that they did not possess or maintain records for the Subject Property. One spill has been recorded on the Property and several spills have been recorded around the Property in the NYS Department of Environmental Conservation (NYSDEC) Spills Incidents Database. The spills were minor in nature, have been closed, and due to proximity of the spills to the site, there is no potential for the property to be contaminated by toxic chemicals or radioactive materials.

A review of the EPA Resource Conservation and Recovery (RCRA) and NYSDEC Environmental Remediation databases provide no indication of past uses of the Property that could contaminate the Property or potentially adversely affect the occupants of the Property. The Property is listed as an Environmental Protection Agency Permit Compliance (EPA PCS) facility and is currently in non-compliance with the CWA due to permit schedule violations. The property is listed as a “N(RptViol),” which is a Reportable Non-Compliance Category II. However, as of 10/07/2015, the facility is not determined to be in significant noncompliance (SNC) which would be addressed by formal enforcement actions, and it is not a Category I violation, which usually is addressed via informal processes. Due to the Category II nature of this reportable non-compliance for scheduling violations, it is not

expected that a condition occurs at the site that poses a hazard to the health or safety of occupants of the property, or is inconsistent with the intended use of the property.

Two EPA Resource Conservation and Recovery Act (RCRA) sites are located within 1,000 feet of the Property, however they have no reported violations. Based on the information contained in this document and the project description, the scope of work is not expected to involve contaminated soils, sediments, surface water, or groundwater. The funded activities do not involve actions that would involve potential recognized environmental conditions/contamination. Therefore, a Phase I Environmental Site Assessment (ESA) or Phase II ESA is not warranted. As such, no further action is required at this time. Maps and DEC and EPA reports are provided at the end of this report.

Data Sources: Tectonic has reviewed the following sources to make the above determinations: Hazardous Waste records contained in the Resource Conservation and Recovery Act Information (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) for sites listed under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA (otherwise known as Superfund)), EPA's Toxic Release Inventory database (TRI), and the EPA Radiation Information Database (RADInfo). Tectonic reviewed the NYSDEC Remedial Site Database to assess whether the site is registered as a NYS Superfund or Environmental Restoration site. The NYSDEC Remedial Database includes records of sites that are part of the NYS Superfund, Brownfield Cleanup, Environmental Restoration, and Voluntary Cleanup Programs. The database also includes a Registry of Inactive Hazardous Waste Disposal Sites. Tectonic reviewed the Small Business Program Supplemental Environmental Checklist and Suffolk County records, which are retained by the Suffolk County Department of Health Services, to determine if the Property has an underground storage tank (which is not a residential fuel tank), or any other storage tank. The NYSDEC Bulk Storage Database was reviewed for records of facilities that are or have been regulated according to one of the Bulk Storage Programs- Chemical Bulk Storage, or Major Oil Facility. The NYSDEC Spill Incident Database was used to determine the potential effects of spills on or near the Property. A desktop review of Google Earth was used in conjunction with a map of active municipal landfills (provided by the DEC) in determining whether there was a landfill within 3,000 feet of the Property.

Maps

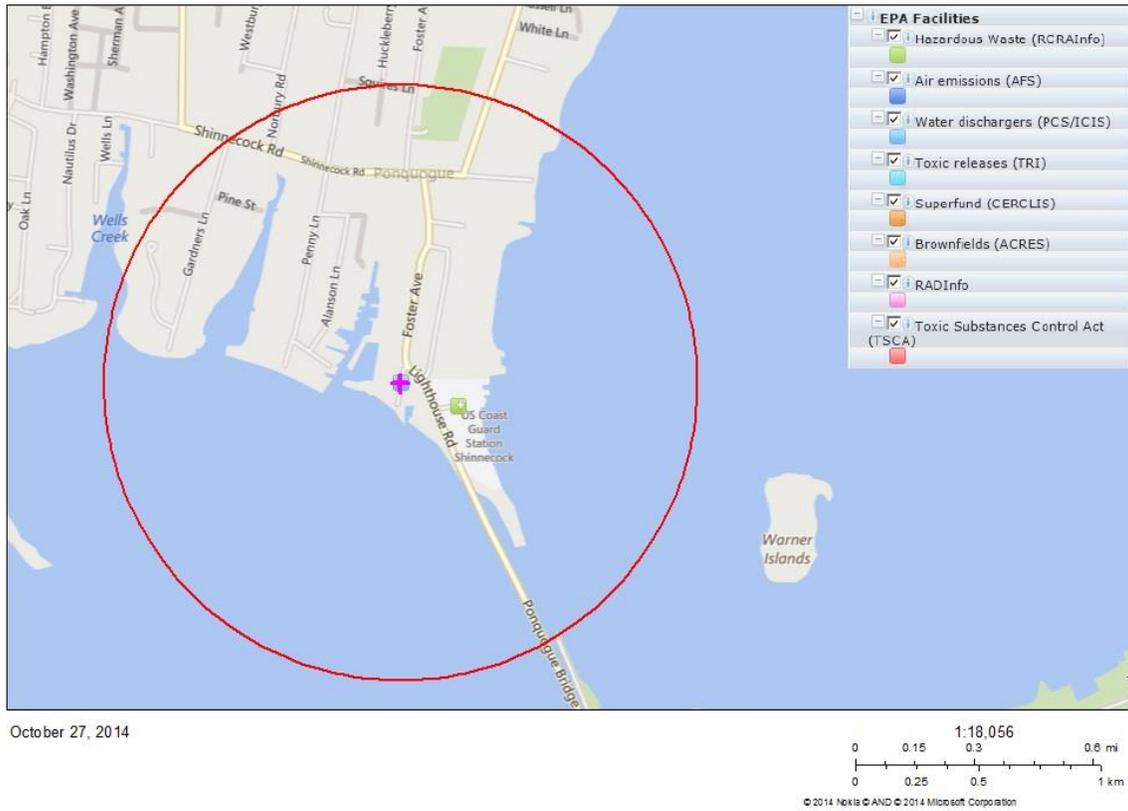


Figure 2: Hazardous waste sites and handlers (green marker), toxic release sites (blue marker), Superfund and brownfield sites (orange markers), and facilities regulated by the U.S. EPA for radiation and radioactivity (pink marker). The project property is indicated by a purple cross symbol, and a 3,000 foot buffer around the Property is represented by the red circle.



Figure 3: Environmental remediation sites listed in the NYSDEC Environmental Remediation Database. Brownfield cleanups are depicted by dark red symbols, Environmental Restoration Programs by yellow symbols, State Superfund sites by black symbols, RCRA sites by white symbols, and Voluntary Cleanup sites by gray symbols.



Figure 4: Properties listed on the NYSDEC Bulk Storage Database. Petroleum Bulk Storage is represented by green markers, Chemical Bulk Storage by purple markers, and Major Oil Storage Facilities by red markers.

United States
Environmental Protection
Agency (U.S. EPA)
Reports:

[Menu](#)

The URL you requested has changed. You have been redirected to the new URL. Please update your bookmarks.



Detailed Facility Report

Facility Summary

PONQUOGUE MARINE BASIN INC
86 FOSTER AVE, HAMPTON BAYS, NY 11946 ⓘ

Facility Information (FRS)

FRS ID: 110041244150
EPA Region: 02
Latitude: 40.85067
Longitude: -72.50587
Locational Data Source: FRS
Industry:
Indian Country: N

Regulatory Interests

Clean Air Act: No Information
Clean Water Act: Minor, Permit Effective (NYR00E872)
Resource Conservation and Recovery Act: No Information
Safe Drinking Water Act: No Information

Also Reports

Air Emissions Inventory (EIS): No Information
Greenhouse Gas Emissions (eGGRT): No Information
Toxic Releases (TRI): No Information

<http://echo.epa.gov/detailed-facility-report?redirect=page&fid=110041244150>

10/27/2014

Enforcement and Compliance Summary ⓘ

Statute	Insp (5 Years)	Date of Last Inspection	Current Compliance Status	Qtrs in NC (of 12)	Qtrs in Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CWA	1	04/23/2014	Noncompliance	12	0	--	--	--	--	--

Related Reports: [E](#) CWA Effluent Charts [L](#) CWA Pollutant Loading Report

Facility/System Characteristics**Facility/System Characteristics**

Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
--	110041244150	--	--	--	--	N	40.85067	-72.50587
CWA	NYR00E872	Minor: General Permit Covered Facility	Effective	Storm Water Industrial	09/30/2017	N	--	--

Facility Address

System	Identifier	Facility Name	Facility Address
FRS	110041244150	PONQUOGUE MARINE BASIN INC	86 FOSTER AVE, HAMPTON BAYS, NY 11946
ICP	NYR00E872	PONQUOGUE MARINE BASIN INC	86 FOSTER AVE, HAMPTON BAYS, NY 11946

Facility SIC Codes

System	Identifier	SIC Code	SIC Desc
ICP	NYR00E872	4493	--

Facility NAICS Codes

System	Identifier	NAICS Code	NAICS Desc
No data records returned			

Facility Tribe Information

Tribal Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned		

Enforcement and Compliance**Compliance Monitoring History (5 years)**

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
CWA	NYR00E872	ICP	Evaluation	State	04/23/2014	--

Entries in italics are not considered inspections in official counts.

Compliance Summary Data

Statute	Source ID	Current SNC/HPV	Description	Current As Of	Qtrs in NC (of 12)
CWA	NYR00E872	--	--	06/30/2014	12

<http://echo.epa.gov/detailed-facility-report?redirect=page&fid=110041244150>

10/27/2014

TRI Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name	
No data records returned	

Demographic Profile**Demographic Profile of Surrounding Area (3 Miles)**

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

Radius of Area:	3	Land Area:	38%	Households in Area:	5,142
Center latitude:	40.851111	Water Area:	62%	Housing Units in Area:	7,964
Center Longitude:	-72.505639	Population Density:	1,306/sq.mi.	Households on Public Assistance:	26
Total Persons:	13,747	Percent Minority:	32%	Persons Below Poverty Level:	3,198
Race Breakdown		Persons (%)		Age Breakdown	
White:	11,595 (84.35%)	Child 5 years and younger:	833 (6.06%)		
African-American:	210 (1.53%)	Minors 17 years and younger:	3,003 (21.84%)		
Hispanic-Origin:	3,906 (28.41%)	Adults 18 years and older:	10,744 (78.16%)		
Asian/Pacific Islander:	143 (1.04%)	Seniors 65 years and older:	1,995 (14.51%)		
American Indian:	39 (2.8%)				
Other/Multiracial:	1,760 (12.8%)				
Education Level (Persons 25 & older)		Persons (%)		Income Breakdown	
Less than 9th Grade:	553 (5.51%)	Less than \$15,000:	426 (7.73%)		
9th through 12th Grade:	595 (5.93%)	\$15,000 - \$25,000:	502 (9.11%)		
High School Diploma:	2,731 (27.21%)	\$25,000 - \$50,000:	1,294 (23.49%)		
Some College/2-yr:	2,802 (27.92%)	\$50,000 - \$75,000:	932 (16.92%)		
B.S./B.A. or More:	3,354 (33.42%)	Greater than \$75,000:	2,355 (42.75%)		

**New York State Department
of Environmental
Conservation (NYSDEC)
Reports**



**NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

Spill Incidents Database Search Results

Record Count: 13 Rows: 1 to 13

[Export XLS](#)[Export CSV](#)

	Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address
1.	8904058	07/24/1989	OSCARS FISHING STATION	SUFFOLK	HAMPTON BAYS	FOSTER AVENUE
2.	8906982	10/16/1989	UNKNOWN	SUFFOLK	HAMPTON BAYS	LIGHTHOUSE RD & FOSTER AVENUE
3.	8912148	03/22/1990	USCG	SUFFOLK	HAMPTON BAYS	FOSTER AVE/LIGHTHOUSE RD
4.	9207749	10/05/1992	UNK	SUFFOLK	HAMPTON BAYS	FOSTER AVENUE
5.	9210476	12/10/1992	ALLENS ACRES MOTEL	SUFFOLK	HAMPTON BAYS	68 FOSTER AVENUE
6.	9305873	08/12/1993	UNK SUNKEN VESSEL	SUFFOLK	HAMPTON BAYS	DUNE ROAD/FOSTER AVENUE
7.	9404221	06/25/1994	EAST END JET SKI	SUFFOLK	HAMPTON BAYS	FOSTER AVE
8.	9614228	03/07/1997	Spill Number 9614228	SUFFOLK	HAMPTON BAYS	86 FOSTER AVE/LIGHTHOUSE
9.	9703950	07/01/1997	EAST END JET SKI	SUFFOLK	HAMPTON BAYS	91 FOSTER AVENUE
10.	9801782	05/11/1998	USCG	SUFFOLK	HAMPTON BAYS	100 FOSTER AVENUE
11.	0102726	06/12/2001	BAY WATCH HOTEL & MARINA	SUFFOLK	HAMPTON BAYS	FOSTER AVENUE
12.	0812427	02/13/2009	UNKNOWN	SUFFOLK	HAMPTON BAYS	LIGHTHOUSE ROAD & FOSTER AVENUE
13.	1306211	09/12/2013	USCG SHINNECOCK STATION	SUFFOLK	HAMPTON BAYS	100 FOSTER AVE

[Refine This Search](#)



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1

Spill Number: 9614228

Spill Date/Time

Spill Date: 03/07/1997 **Spill Time:** 01:45:00 AM

Call Received Date: 03/07/1997 **Call Received Time:** 06:40:00 AM

Location

Spill Name: Spill Number 9614228

Address: 86 FOSTER AVE/LIGHTHOUSE

City: HAMPTON BAYS **County:** SUFFOLK

Spill Description

Material Spilled Amount Spilled Resource Affected

NON PCB OIL 15.00 Gal. Soil

Cause: Other

Source: Commercial/Industrial

Waterbody:

Record Close

Date Spill Closed: 06/05/1998

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either, a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Return To Results](#)

[Refine This Search](#)



Spill Incidents Database Search Results

Record Count: 7 Rows: 1 to 7

	Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address
1.	<input type="text" value="8906982"/>	10/16/1989	UNKNOWN	SUFFOLK	HAMPTON BAYS	LIGHTHOUSE RD & FOSTER AVENUE
2.	<input type="text" value="8912148"/>	03/22/1990	USCG	SUFFOLK	HAMPTON BAYS	FOSTER AVE/LIGHTHOUSE RD
3.	<input type="text" value="9207557"/>	09/16/1992	US COAST GUARD	SUFFOLK	HAMPTON BAYS	LIGHTHOUSE ROAD
4.	<input type="text" value="9614228"/>	03/07/1997	Spill Number 9614228	SUFFOLK	HAMPTON BAYS	86 FOSTER AVE/LIGHTHOUSE
5.	<input type="text" value="9825237"/>	02/05/1999	THE BAYVIEW HOUSE SEASIDE INN	SUFFOLK	HAMPTON BAYS	32 LIGHTHOUSE ROAD
6.	<input type="text" value="0812427"/>	02/13/2009	UNKNOWN	SUFFOLK	HAMPTON BAYS	LIGHTHOUSE ROAD & FOSTER AVENUE
7.	<input type="text" value="1202391"/>	06/09/2012	RESIDENCE	SUFFOLK	HAMPTON BAYS	27 LIGHTHOUSE ROAD

Suffolk County Records

2/26/15

2/24/15

PC
F119573

APPLICATION FOR PUBLIC ACCESS TO RECORDS Suffolk County Department of Health Services

INSTRUCTIONS TO APPLICANT: Please complete Section I of this form. Do not leave any areas blank. You can also use the print button to create a hard copy and submit the signed form to the Freedom of Information Officer.

(1)

Date of Application: 2/23/2015
Applicant Represents: T-Trade Engineering & Surveying Consultants
Applicant's Name: Joshua Gomez
Applicant's Address: 70 Pleasant Hill Rd. Mountainville, NY 10953
Applicant's Phone: (845) 534-5259 Applicant's Email: JGomez@ttradeengineering.com
Applicant's Signature: [Signature]

Describe the record sought and include a complete tax map number (District, Section, Block & Lot in the proper format). If possible supply date(s), a file title, file reference number, the physical address and any other information that will help locate the record desired.

T-Trade seeks the bulk storage records or other records concerning environmental spills or waste for the following properties:
Praxair Inc. Machine Basin, Inc.
86 Factor Ave
hamlet of Hampton Bays, Town of Southampton
Tax Map # 0900 37400 0200 003001

SECTION I -

HEREBY APPLY TO:

- Inspect the following record
- Receive a copy of the following document(s)

Please send to:
Requesting Freedom of Information Officer:
Agency Name:
Address:

Michelle Rosen
Suffolk County Department of Health Services
3500 Sunrise Highway, Suite 124
Post Office Box 9006
Great River, NY 11739-9006
Fax # 631-864-0158

SECTION II - For use by Freedom of Information Officer (or designee) only

- Approved. Call to arrange an appointment to inspect the requested record.
Contact Person: _____ Phone: _____
- Records not possessed or maintained by this agency.
- Records cannot be found after diligent search.
- Denied. Reason for denial: _____
- Document(s) enclosed as requested.
- Receipt of this request is acknowledged. There will be a delay in supplying the requested record until payment of reproduction fee is received. The following fee applies \$ _____
- Other: _____ Title: DPL Date: 2/24/15

You have the right to appeal a denial of this application in writing to the Office of the County Attorney within 30 days of the denial. Information as to the person to contact is shown below. The contacted person must respond to you in writing within ten business days of receipt of your appeal.

Suffolk County Attorney
Lee Dennison Bld. 6th floor
Suzanne Memorial Highway
Suffrage, NY 11788

Business Telephone: (631) 863-4049
Tracking Number:
(Assigned by Agency)

Attachment 6

Section 106

Determination



Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation
Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

December 5, 2014

Mr. Thomas J. King
Legal Counsel & Certifying Officer
Governor's Office of Storm Recovery
252 Beaver Street
New York, NY 10004
(via email only)

Re: CDBG-SR, HCR, GOSR
NY Rising Small Business Grant Program /6 Projects
Statewide

Dear Mr. King:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the projects in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your projects. Such impacts must be considered as part of the environmental review of the projects pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

The New York State Historic Preservation Office has reviewed each of the undertakings submitted and our comments are outlined in the attached findings sheet.

If I can be of any further assistance do not hesitate to contact me at (518) 237-8643, ext. 3263.

Sincerely,

John A. Bonafide
Director,
Technical Preservation Services Bureau

enc: Findings Attachment

Findings Attachment

Application ID	Street Address	MCD	County	SHPO Recommendation	SHPO No.
059-ED-31487-2013	3640 Ocean Avenue	Hempstead	Nassau	No Historic Properties Affected	14PR05077
103-ED-32411-2013	86 Forster Avenue	Southampton	Suffolk	No Historic Properties Affected	14PR05076
059-ED-32571-2013	3920 Atlantic View Ave.	Hempstead	Nassau	No Historic Properties Affected	14PR05074
103-ED-32822-2013	242 S. Ketcham Ave.	Amityville	Suffolk	No Historic Properties Affected	14PR05067
095-ED-33088-2013	143 Depot Lane	Schoharie (V)	Schoharie	No Historic Properties Affected	14PR05075
039-ED-33253-2013	14672 Main Street	Prattsville	Greene	No Historic Properties Affected	14PR05068



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



June 5, 2015

Daniel S. Collins, Sr., Chairman
Shinnecock Nation
PO Box 5006
Southampton, NY 11969

Re: Section 106 Discussion
CDBG-DR, NYS Small Business Storm Recovery Program, Project Name: Ponquogue Marine Basin, Inc. (Project # 103-ED-32411-2013), Suffolk County, NY

Dear Mr. Collins,

Pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) and the Housing and Community Development Act (42 U.S.C. § 5301 et seq.), the Governor's Office of Storm Recovery (GOSR) is acting under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation as a recipient of Community Development Block Grant – Disaster Recovery (“CDBG-DR”) funds from the United States Department of Housing and Urban Development (“HUD”). GOSR is the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58. GOSR is acting on behalf of HUD in providing the enclosed project information and providing this documentation to your Nation to respond with any concerns or comments.

GOSR processes environmental reviews for projects funded from HUD CDBG-DR on a case-by-case basis. Projects are reviewed, as necessary by Project Archaeologist, Kris Mierisch, RPA, of Tectonic Engineering and Surveying Consultants, P.C., and, when appropriate, directly referred to the State Historic Preservation Office for review. Based on project information submitted by Tectonic to the NYS SHPO, SHPO concurred that there will be “no historic properties affected by the proposed undertaking.”

GOSR proposes to provide grant funding under the Small Business Grant Program for business infrastructure repairs and mitigation for a single business impacted by Hurricane Irene and Superstorm Sandy. In accordance with Section 101(d)(6)(B) of the National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. 470a), and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800, this letter serves as notification of the proposed action.

Area of Potential Effect: Ponquogue Marine Basin, Inc. is a full-service marina and boatyard. It is located at 86 Foster Avenue, on the southern edge of the hamlet of Hampton Bays in the Town of Southampton, Suffolk County, NY. Based on Suffolk County Assessment data, this commercial property is Tax Map ID 0900-374.00-02.00-003.001. Flooding and erosion caused widespread damage to the business including building damage, dock damage, and bulkhead damage.

Proposed Project Description: The proposed action is to provide assistance funds for reimbursement for supplies for building repair, funding to repair bulkheads in-place, funds to dredge the entrance to the marina which was affected by shoaling during the storms, and future funding for the installment of a mean high wave wall, which will serve to protect the property during future storm events and enhance natural beach replenishment. The majority of the mean high wave wall will be located where there is a preexisting



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



brush jetty. New ground disturbance will be minimal.

GOSR has consulted with New York State Historic Preservation Office (NYS SHPO) in accordance with the NHPA, and SHPO has concurred that no historic properties will be affected. With this letter, GOSR respectfully submits for your review the attached documentation for the proposed project described herein. If the Area of Potential Effect encompasses historic properties of religious or cultural significance to your Nation, please respond within 15 days or sooner. Additionally, please indicate if there are other sources of information or other parties, Nations, Tribes, or members of the public you believe should be included in the consultation process. Please respond by email or in writing to the address listed below.

Mr. Daniel Greene
Environmental Certifying Officer
Governor's Office of Storm Recovery
25 Beaver Street, 5th Floor,
New York, New York, 10004

I am available to answer any questions that you may have regarding this action. If you have any questions, please feel free to contact me at (212) 480-4644 or via email at NYSCDBG_DR_ER@nyshcr.org.

Sincerely,

Daniel Greene, Certifying Officer
Governor's Office of Storm Recovery,
NYS Housing Trust Fund Corporation
NYS Homes and Community Renewal

Enclosures:

Location Maps – Topographic, Street, and Aerial Maps
Photographs of Property
“Wave Wall” Project Plans
SHPO Concurrence – “No Effect” Determination Letter

Mailed Letter Sent To:

Daniel S. Collins, Sr., Chairman
Shinnecock Nation
PO Box 5006
Southampton, NY 11969



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

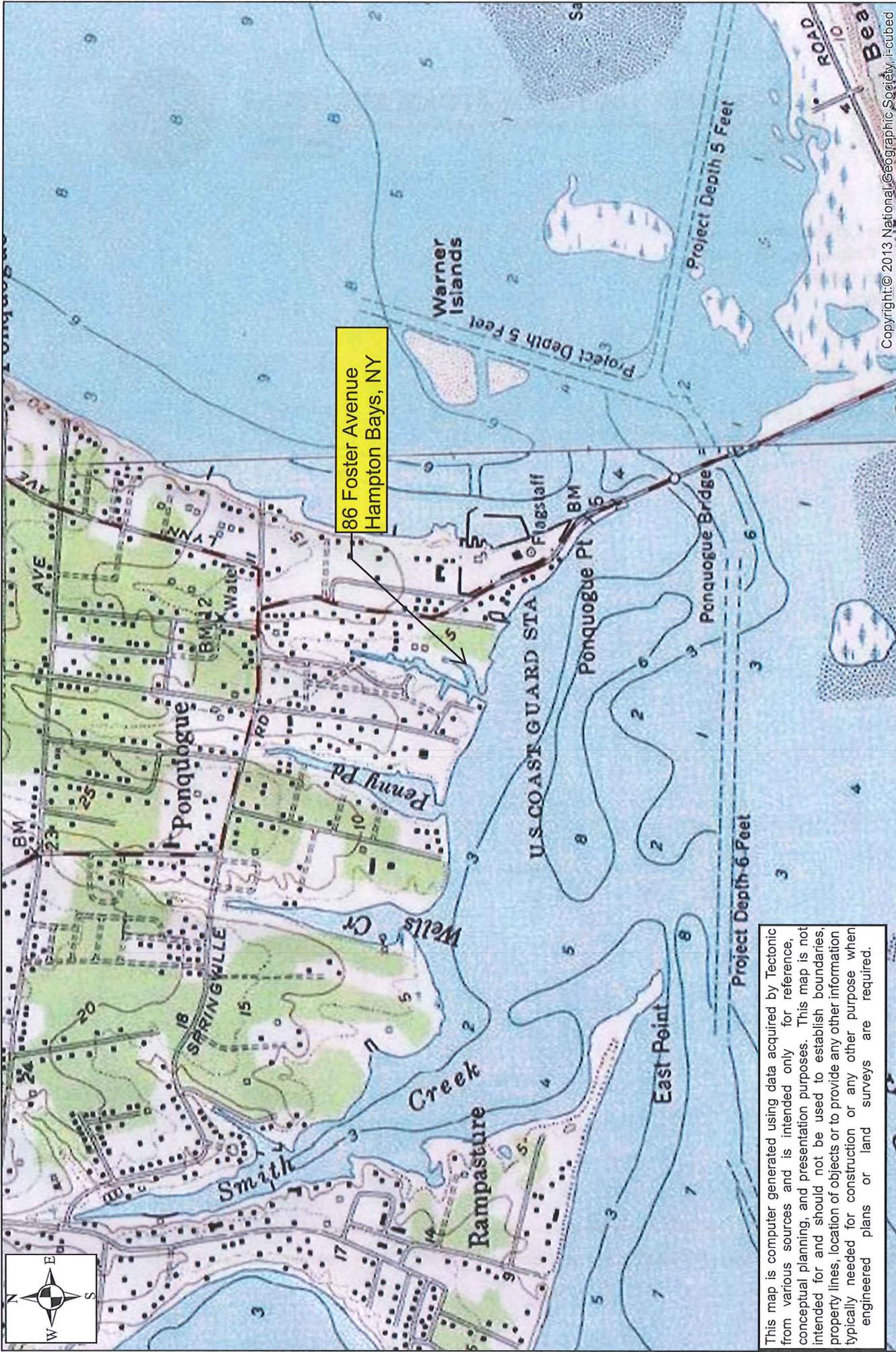
James Rubin
Executive Director



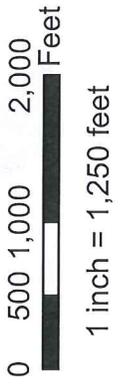
Electronic Letter Sent To:

Daniel S. Collins, Sr., Chairman
Shinnecock Nation
PO Box 5006
Southampton, NY 11969

Tohanash Tarrant
PO Box 5006
Southampton, NY 11969
Tohanash.tarrant@shinnecock.org



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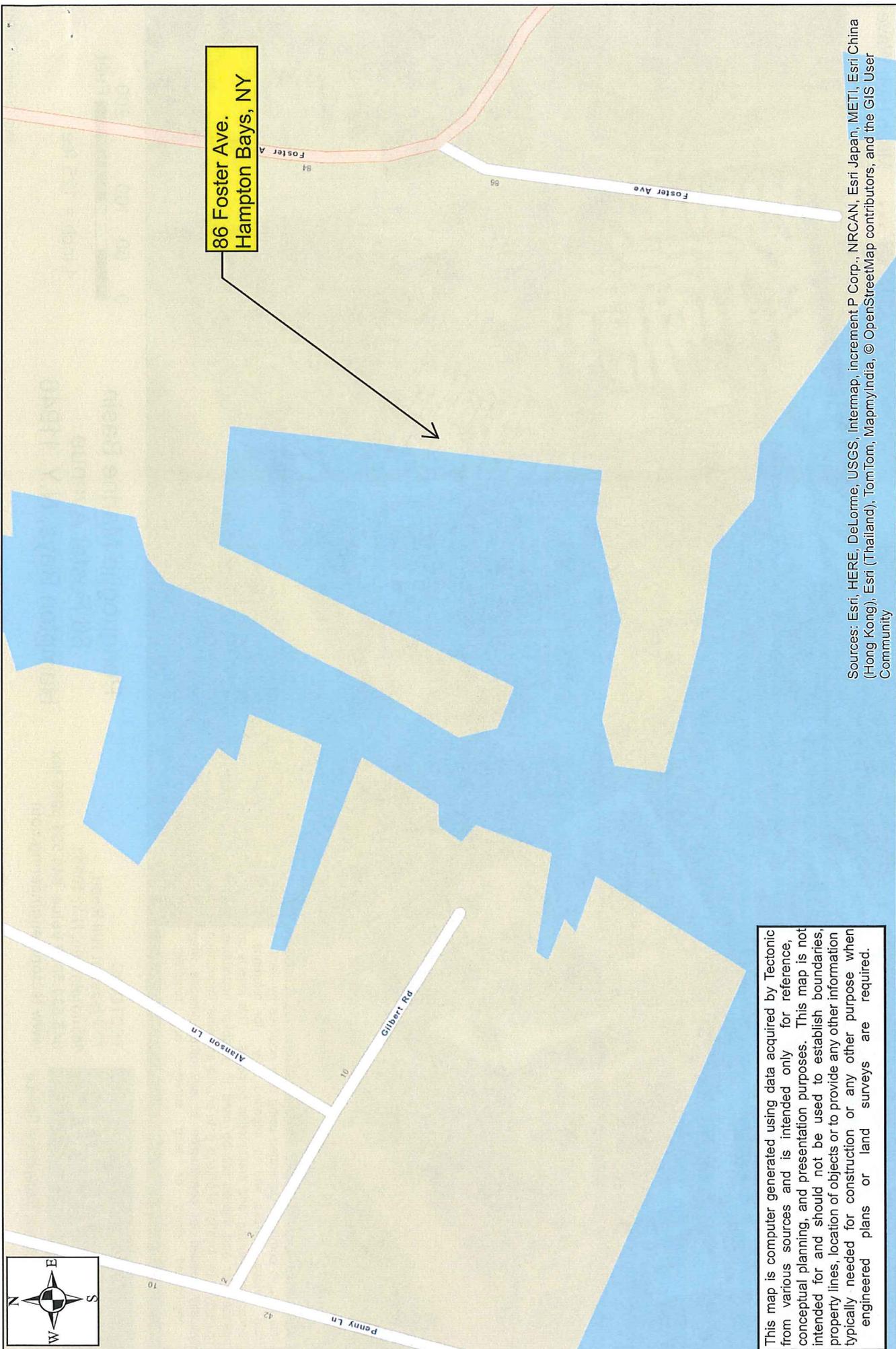
Ponquogue Marine Basin
 86 Foster Avenue
 Hampton Bays, N.Y. 11946

TECTONIC
 70 Pleasant Hill Road,
 Mountainville, N.Y. 10953
 845.534.5959 voice 845.534-5999 fax
 www.tectonicengineering.com



Practical Solutions, Exceptional Service

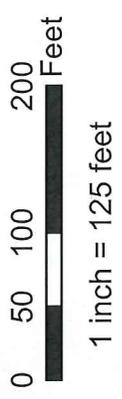
This map is computer generated using data acquired by Tectonic from various sources and is intended only for reference, conceptual planning, and presentation purposes. This map is not intended for and should not be used to establish boundaries, property lines, location of objects or to provide any other information typically needed for construction or any other purpose when engineered plans or land surveys are required.



86 Foster Ave.
Hampton Bays, NY

This map is computer generated using data acquired by Tectonic from various sources and is intended only for reference, conceptual planning, and presentation purposes. This map is not intended for and should not be used to establish boundaries, property lines, location of objects or to provide any other information typically needed for construction or any other purpose when engineered plans or land surveys are required.

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



Ponquogue Marine Basin
86 Foster Avenue
Hampton Bays, N.Y. 11946

TECTONIC
70 Pleasant Hill Road,
Mountaintainville, N.Y. 10953
845.534.5959 voice 845.534-5999 fax
www.tectonicengineering.com



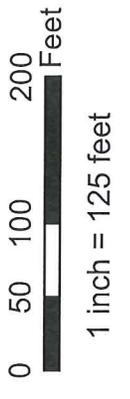
Practical Solutions, Exceptional Service



 Area of Dredging.
 Bulkhead Repair/ Replacement
 Mean High Wave Break Wall



This map is computer generated using data acquired by Tectonic from various sources and is intended only for reference, conceptual planning, and presentation purposes. This map is not intended for and should not be used to establish boundaries, property lines, location of objects or to provide any other information typically needed for construction or any other purpose when engineered plans or land surveys are required.



Ponquogue Marine Basin
 86 Foster Avenue
 Hampton Bays, N.Y. 11946

TECTONIC
 70 Pleasant Hill Road,
 Mountaintown, N.Y. 10953
 845.534.5959 voice 845.534-5999 fax
www.tectonicengineering.com


TECTONIC
 Practical Solutions, Exceptional Service

PONQUOGUE MARINE BASIN, INC. – SITE VISIT PHOTOS



Photo 1: Facing North. Area for bulkhead repair/ replacement on northwestern corner of marina basin.



Photo 2: Facing Southwest. Bulkhead area on southern portion of basin to be replaced.



Photo 3: Facing West. Area to be dredged (this is the entrance to the marina basin from Foster Creek).



Photo 4: Facing West: toward the area where the mean high wave break wall is proposed to be built.



Photo 5: Facing Southwest: from the tip of peninsula towards the area where the mean high wave wall is proposed to be constructed. Note, the mean high wave wall will replace the brush jetty (see the pilings lined up), but will not extend as far as the current brush jetty.

Attachment 7

NYSDEC Environmental Resource Map

USFWS NWI Map

NYS Coastal Boundary Map

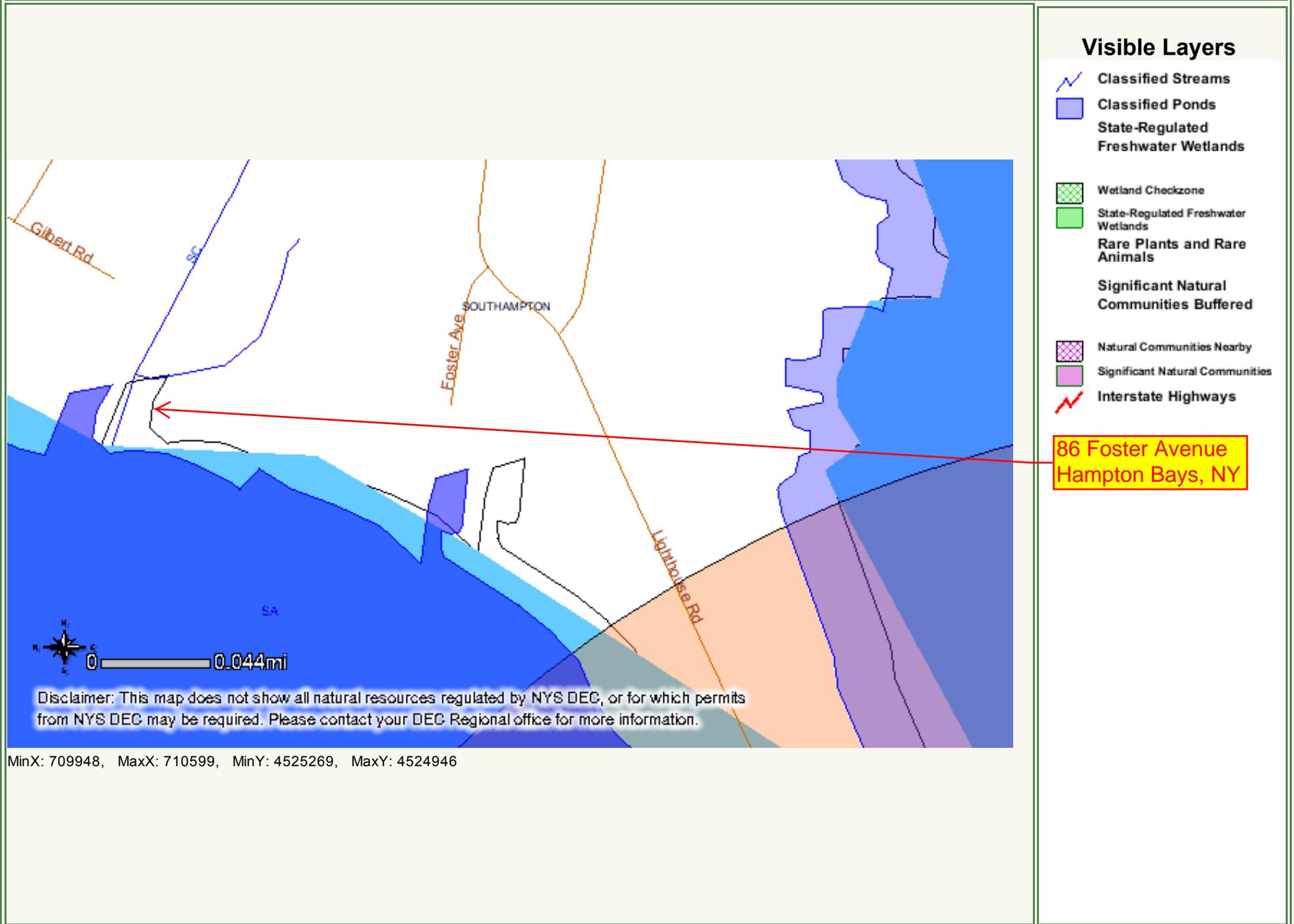
Tidal Wetland Map

Coastal Barrier Resource Map

FEMA Firmette

NYSDEC Environmental Resource Map

103-ED-32411-2013



USFWS NWI Map



U.S. Fish and Wildlife Service
National Wetlands Inventory

103-ED-32411-2013

Oct 27, 2014



86 Foster Avenue
Hampton Bays, NY

Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

Riparian

- Herbaceous
- Forested/Shrub

Riparian Status

- Digital Data

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

Welcome to the NYS Coastal Boundary Map

NYS Coastal Boundary Map



Search

Address:

Enter Address Here

Find Address

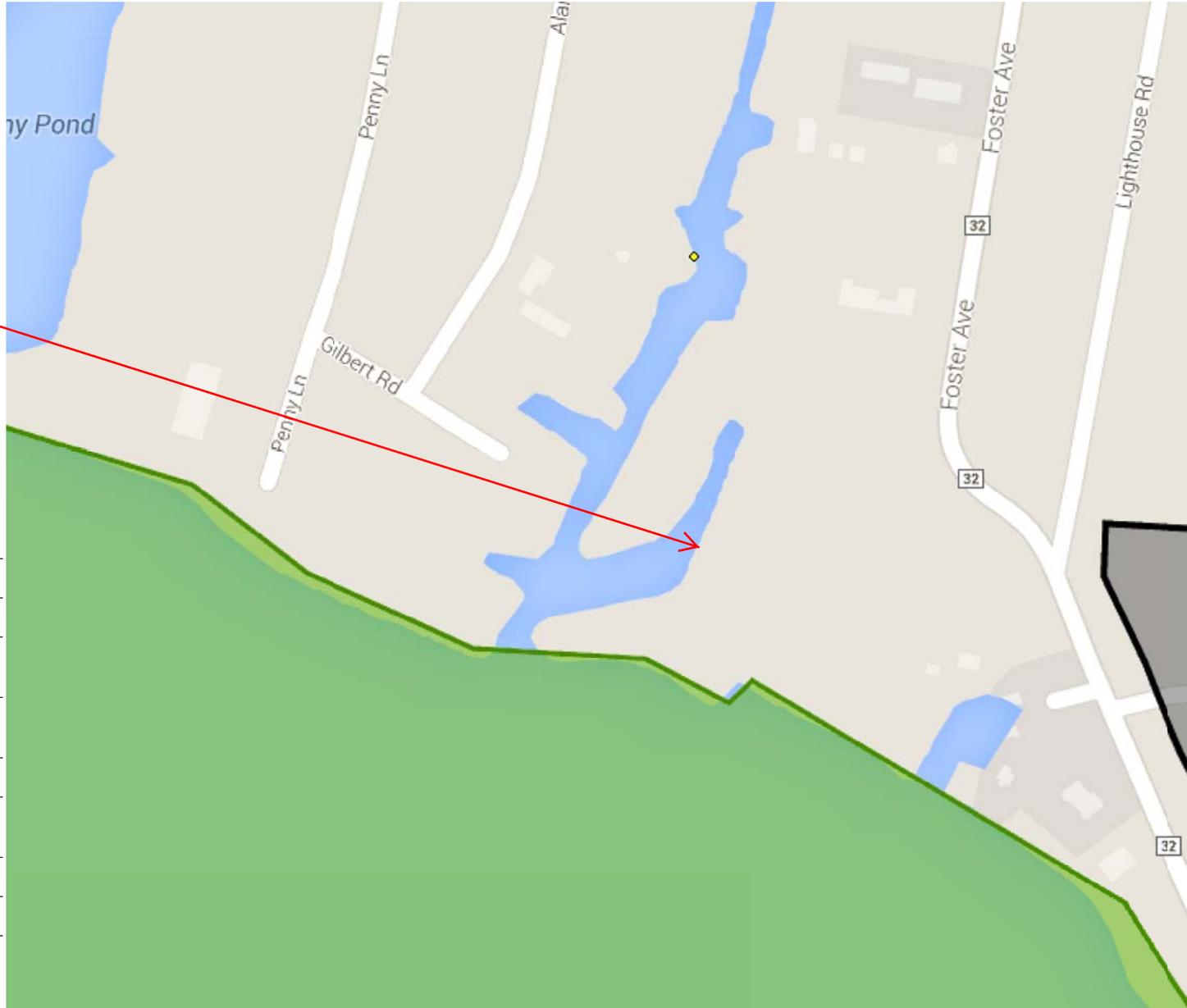
86 Foster Avenue
Hampton Bays, NY

Please note that the address marker is automatically placed along the street while certain activities may take place along the waterward property boundary. Please make sure to click and drag the marker to the exact location of the proposed activity for an accurate assessment of whether or not the activity would be located within any DOS Special Management Areas.

Layers

- Landward Coastal Boundary
- Scenic Areas *
- Local Waterfront Revitalization Areas
- Local Waterfront Revitalization Program Communities
- Significant Coastal Fish and Wildlife Habitats
- DOS Identified Canals
- Long Island Sound CMP (excludes LWRP communities)
- Federally Owned Lands
- Native American Lands

* GIS coverage is currently unavailable for the Scenic Areas designated in the Town of East Hampton. Please click [here](#) for information pertaining to these areas.



Tidal Wetland Map

103-ED-32411-2013

86 Foster Avenue
Hampton Bays, NY



Original Date of Issue 9/14/77
Approved as per Order of Commissioner, Langdon Marsh
CH 93-84-94 Add. HM, LM, SM, DM, SM

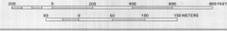
Photocopy provided by Earth Systems, Cooperative Wetland
Aerial Photos for New York State Department of Environmental Conservation
Approved through 9/14/77
New York State Department of Environmental Conservation
1000 Sunnyside Blvd., Albany, NY 12243
914-490-6200
www.dec.state.ny.us

New York Tidal Wetlands Aerial photos at 1:500 scale
Aerial photos were taken in 1977
Aerial photos were taken in 1977
Aerial photos were taken in 1977
Aerial photos were taken in 1977

TIDAL WETLANDS MAP

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

MAP 713-S24
INDEX MAP NUMBER 4
COPIES OF TIDAL WETLAND MAPS AND INDEX MAPS ARE AVAILABLE FROM
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BUSINESS BUREAU, 100 SUNNYSIDE BLVD., ALBANY, NY 12243
PHONE (518) 485-1194
SCALE 1:2400



POLITICAL BOUNDARIES

- State
- County
- Town or City
- Unincorporated Village
- Park or Reservation

LEGEND

WETLANDS CATEGORIES

- HM High Marsh or Salt Meadow
- LM Coastal Fresh Marsh
- SM Coastal Shrub, Bare and Mudflats
- PC Formerly Cultivated Tidal Wetlands
- ds Single Spot
- LZ Lowland Zone
- SM Shrub Marsh
- LM Lowland Marsh
- PC Formerly Cultivated Tidal Wetlands
- ds Single Spot
- LZ Lowland Zone

Approximate location of political boundaries based on State
and County Department of Transportation 1:50,000 scale
aerial photos.



U.S. Fish and Wildlife Service

Coastal Barrier Resources System Mapper - Beta

Coastal Barrier Resource Map

Measure

Streets

Imagery/Labels

Topo

USGS Topo



Enter address or zip code...

Find Location

CBRS 103-ED-32411-2013

Find CBRS

Zoom History



Penny Pond

86 Foster Avenue
Hampton Bays, NY

F13

F13

US Coast
Guard Station
Shinnecock

Available Layers

- CBRS Buffer Zones ?
- CBRS Units ?

CBRS Units

- Otherwise Protected Area
- System Unit

CBRS Buffer Zone

- CBRS Buffer Zone

300 m

1000 ft

Map Scale: 1:4514

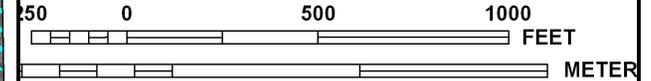
Lat: 40.8533, Lng: -72.5003



National Flood Insurance Program at 1-800-638-6620.



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0782H

FIRM

FLOOD INSURANCE RATE MAP

for SUFFOLK COUNTY, NEW YORK
(ALL JURISDICTIONS)

CONTAINS:

COMMUNITY	NUMBER
SOUTHAMPTON, TOWN	365342
OF	

- NOTE -
THIS MAP INCLUDES BOUNDARIES OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT ENABLING LEGISLATION.

PANEL 782 OF 1026

MAP SUFFIX: H
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
36103C0782H

MAP REVISED
SEPTEMBER 25, 2009

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Attachment 8

Section 7 ESA

Compliance



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Long Island Field Office

340 Smith Road

Shirley, NY 11967

Phone: (631) 286-0485 Fax: (631) 286-4003

http://www.fws.gov/northeast/nyfo

To: Daniel Greene

Date: October 20, 2015

USFWS File No:

Regarding your: [X] letter [] FAX [] E-mail dated: May 1, 2015

For project: Ponquogue Marine Basin

Located: 86 Foster Ave

In Town/County: Hampton Bays, Suffolk

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the U.S. Fish and Wildlife Service:

- [X] Acknowledges receipt of your "no effect" determination. No further ESA coordination or consultation is required.
[] Acknowledges receipt of your determination. Please provide copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.
[] Is taking no action pursuant to ESA or any other legislation at this time but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (http://www.fws.gov/northeast/nyfo/es/section7.htm) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project area is current.

Pursuant to the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.),

- [] Requests additional time for review. [] Is taking no action pursuant to FWCA due to lack of funding.
[] Is providing FWCA comments (see attached). [] Has no objection pursuant to the FWCA.
[] Will provide FWCA comments separately. [] Is taking no action pursuant to the FWCA at this time but would like to be kept informed of project developments.

USFWS Contact(s):

[Handwritten signature]

Date 10/20/2015

Supervisor:

Date

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

June 02, 2015

Joshua Gomez
Tectonic Engineering & Surveying Consultants P.C.
PO Box 37, 70 Pleasant Hill Road
Mountainville, NY 10953

Re: Storm repair work at Ponquogue Marine Basin, 86 Foster Avenue, including wave break wall (W.O. 7463.01A)

Town/City: Southampton.

County: Suffolk.

Dear Joshua Gomez :

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities, at your site or in its immediate vicinity.

The absence of data does not necessarily mean that rare or state-listed species, significant natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources. Note that the Shinnecock Bay Significant Coastal Fish & Wildlife Habitat is in the vicinity of the project site.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage database. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

A handwritten signature in black ink that reads "Andrea Chaloux". The signature is written in a cursive, flowing style.

Andrea Chaloux
Environmental Review Specialist
New York Natural Heritage Program



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



May 4, 2015

Ms. Kimberly Damon-Randall, Protected Resources
NMFS Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

Mr. Steve Papa
U.S. Fish and Wildlife Service
Long Island Field Office
340 Smith Road
Shirley, NY 11967

VIA EMAIL: kimberly.damon-randall@noaa.gov & steve.papa@fws.gov

Re: Online Project Review Request, Ponquogue Marine Basin, Inc., Suffolk County, New York

Dear Ms. Damon-Randall and Mr. Papa:

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of the New York Homes and Community Renewal's (NYSHCR) Housing Trust Fund Corporation, was established to aid the statewide recovery of disaster-affected communities in New York State. GOSR is administering a U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant for Disaster Recovery (CDBG-DR), including the Economic Development - Small Business Grant Program. This letter requests consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration - National Marine Fisheries Service (NMFS), pursuant to section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Marine Mammal Protection Act (MMPA), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d), and the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat 755) for a single project proposed to receive CDBG-DR assistance. The environmental review for projects funded under the Small Business Grant Program are processed on a case-by-case basis in accordance with the USFWS New York Field Office's online project review process and the NMFS Greater Atlantic Region Section 7 Program Guidance.

We have reviewed the below-referenced project according to USFWS and NMFS procedures. We completed our review on 5/1/2015 and are submitting our project review package to request review of the proposed project pursuant to Section 7 of the ESA. We are submitting case materials so that the USFWS and NMFS, respectively, can indicate if it agrees the project will have "no effect" on endangered/threatened species or on critical habitat for terrestrial and marine species under USFWS or NFMS jurisdiction.



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



Ponquogue Marine Basin, Inc. is a full service marina and boatyard that experienced impacts to buildings and other business infrastructure on the property as a result of Hurricane Irene and Superstorm Sandy. CDBG-DR funding would provide assistance for structure repair work located within the 100-year floodplain and wetland, the future dredging of the marina basin entrance to pre-storm conditions, and the construction of a mean high wave break wall to protect the marina and surrounding properties from wave action during storm surge. Reimbursed work was in-kind replacement, and the mean high wave break wall mitigation portion of the project will occur within the basin, within the adjacent Foster Creek/ canal off of Shinnecock Bay, and within the Shinnecock Bay. The mean high wave break wall will be 2 feet and 6 inches above mean high water levels. This business is functionally dependent on water access and, thus, necessitating its location in the 100-year floodplain and wetland. Accordingly, the Board of Trustees of the Freeholders & Commonalty of the Town of Southampton have granted a permit for the mean high wave break wall project. The mean high wave break wall is expected to protect the marina and neighboring properties, and to reduce the frequency of which the Foster Creek entrance must be dredged, by reducing shoaling. Applicable local, state, and federal permits will be acquired for all in-water work before the projects commence.

The location of the project is 86 Foster Avenue, Hampton Bays hamlet, Town of Southampton, Suffolk County, New York. The location and the action area are identified on the enclosed street map, USGS topographic map, and aerial map.

The USFWS Trust Resource Lists show the Piping Plover, Red Knot, Roseate tern, Sandplain gerardia, Seabeach amaranth, and the northern long-eared bat as threatened and endangered species that could be in the area. The enclosed project review package provides the information about the species, critical habitat, and bald eagles considered in our review, and the species conclusions table included in the package identifies our determinations for each identified species.

NMFS Endangered Species Maps for the Atlantic Coast indicated that the proposed project occurs within the range of Atlantic Large Whales, Sea Turtles, and the Estimated Range of Atlantic Sturgeon Distinct Population Segments (DPSs). The project occurs in an already established marina area and at the entrance Foster Creek, which is heavily bulkheaded and provides access to the Shinnecock Bay for several marinas and residences. Aerial images show numerous boats moored within the marinas and are indicative of heavy boat traffic during boating seasons. Moreover, the project work occurs in shallows near shore waters and within an established marina basin. Given the developed project area, it is our determination that the project will have no effect on the marine species listed above.

An information request from the NYSDEC New York Natural Heritage Program (NYNHP) is pending. If the NYNHP indicates that rare, threatened, or endangered species or bald eagle nesting locations are present in the vicinity of the project area, an endangered species survey and subsequent consultation with the USFWS, NMFS, and the NYS DEC NHP will be completed before any work commences.



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



Photos of the project site are included in the enclosures of this project review request. For additional information, please contact me by email at Daniel.Greene@stormrecovery.ny.gov or by telephone at (212) 480-4644.

Sincerely,

Daniel Greene
Certifying Environmental Officer
Governor's Office of Storm Recovery
Housing Trust Fund Corporation
NYS Homes and Community Renewal

Enclosures:

- 1) Species Conclusion Table
- 2) Street, Topographic and Aerial Maps
- 3) NMFS Species Area Maps
- 4) Trust Resource List for Project Area
- 5) Photographs of Project Area

Species Conclusions Table

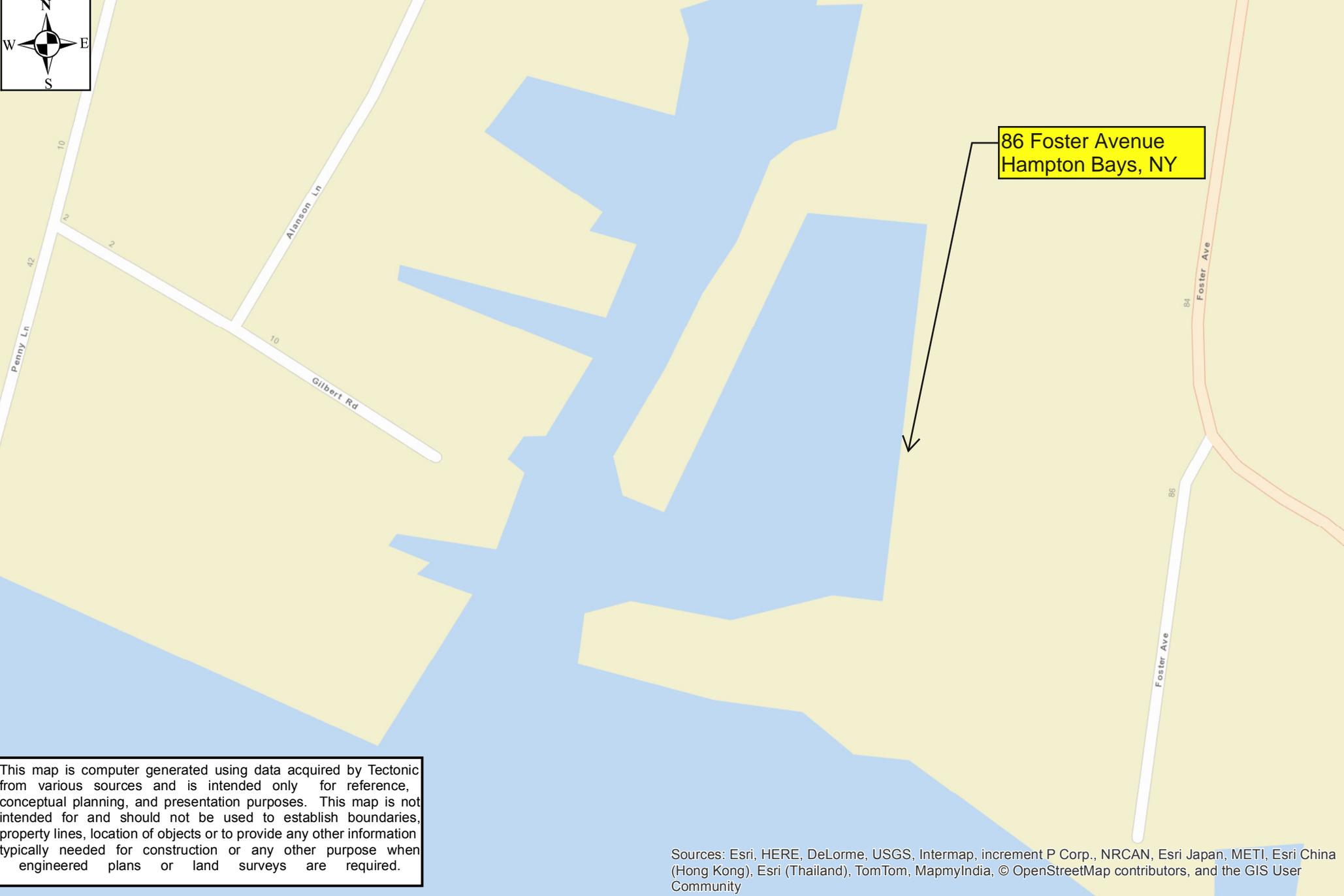
Project Name: Ponquogue Marine Basin, Inc.

Date: 5/4/2015

Species Name/Critical Habitat	Potential Habitat Present?	Species Present?	Critical Habitat Present?	ESA / Eagle Act Determination	Notes / Documentation Summary (include full rationale in your report)
Piping Plover (<i>Charadrius melodus</i>)	No	Awaiting response from NYNHP.	No	No effects are anticipated. Pending response from NYNHP.	The piping plover can reside in estuarine habitats (tidal flat/shore), palustrine habitats (riparian), and terrestrial habitats (sand/dunes). The piping plover breeds in sandy upper beaches and sparsely vegetated shores and islands, or shallow lakes, ponds, rivers, and impoundments. The majority of the project area is within already disturbed areas within the marina basin and near the entrance of Foster Creek. There are sandy and vegetated areas that will be disturbed during the short-term construction period due to the work at this project location. However, data provided by the NYSDEC do not indicate any known piping plover nests within or near the project location. Thus, given that there are no known occurrences of the piping plover at this location, and the minimal long-term disturbance created by rehabilitation bulkheads, dredging the established marina entrance, and installing a wave break wall, there is no expected effect to the piping plover. Moreover, dredged sediments will not be placed in the sandy/ vegetated areas, and the wave break wall is proposed to allow natural replenishment of the sandy/ vegetated peninsula at the property, which could increase the habitat available to the piping plover in the future.
Red Knot (<i>Calidris canutus rufa</i>)	No	Awaiting response from NYNHP.	No	No effects are anticipated. Pending response from NYNHP.	The red knot breeds in the tundra region. However, during migration the red knot winters in intertidal, marine habitats, especially near coastal inlets, estuaries, and bays. However, data

					provided by the NYSDEC do not indicate any known red knot within or near the project location. Thus, this project is not expected to have any effect on this species.
Roseate Tern (<i>Sterna dougallii dougallii</i>)	No	Awaiting response from NYNHP.	No	No effects are anticipated. Pending response from NYNHP.	The roseate tern habitat is near shore, estuarine habitats such as bay/sound, lagoons, river mouth/tidal river, Tidal flat/shore, and sand dunes. The roseate tern is a piscivore, and nesting areas could be in dense grass clumps, under boulders or rip-rap, or a depression in sand, shell or gravel. However, data provided by the NYSDEC do not indicate any known roseate tern within or near the project location. Thus, this project is not expected to have any effect on this species. There may be some disturbance during the short-term physical work which would limit the potential of the project area as a feeding area for the roseate tern. However, the short-term effects will be limited to the project locations only. Thus, this project will have no effect on this species.
Sandplain Gerardia (<i>Agalinis acuta</i>)	No	Awaiting response from NYNHP.	No	No effects are anticipated. Pending response from NYNHP.	Sandplain gerardia is a flowering plant that can be found in Long Island in dry, sandy, short-grass plains, roadsides, and openings in oak scrub. This plant is dependent on periodic disturbance that maintains open space. This project, which involves mainly in-water work, is not expected to have an effect on this species. Vegetation may be disturbed at this location during short-term construction activities, but disturbance will be limited to machinery access areas to the dredging area.
Seabeach Amaranth (<i>Amaranthus pumilus</i>)	No	Awaiting response from NYNHP.	No	No effects are anticipated. Pending response from NYNHP.	The seabeach amaranth is a flowering plant that can be found in near shore and sand/ dune habitats. Often found on coastal overwash flats, islands, and lower foredunes, and above mean high tide on beaches. This project which involves mainly in-water work is not expected to have an effect on this species.

Northern Long-Eared Bat (<i>Myotis septentrionalis</i>)	No	Awaiting response from NYNHP.	No	No effects are anticipated. Pending response from NYNHP.	According to USFWS documentation, the northern long-eared bat roosts underneath tree bark, in cavities, and in the crevices of dead and live trees. No trees will be affected as a result of this work and, thus, impacts to the northern long-eared bat are not expected based on the project scope. If a response from the NYNHP indicates that the northern long-eared bat or bald eagle nesting locations are present in the vicinity of the project area, an endangered species survey and subsequent consultation with the USFWS, NYNHP, and NYSDEC will be completed before any work commences.
--	----	-------------------------------	----	--	---



86 Foster Avenue
Hampton Bays, NY

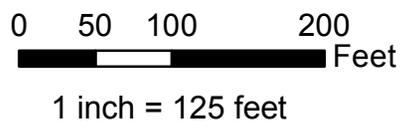
This map is computer generated using data acquired by Tectonic from various sources and is intended only for reference, conceptual planning, and presentation purposes. This map is not intended for and should not be used to establish boundaries, property lines, location of objects or to provide any other information typically needed for construction or any other purpose when engineered plans or land surveys are required.

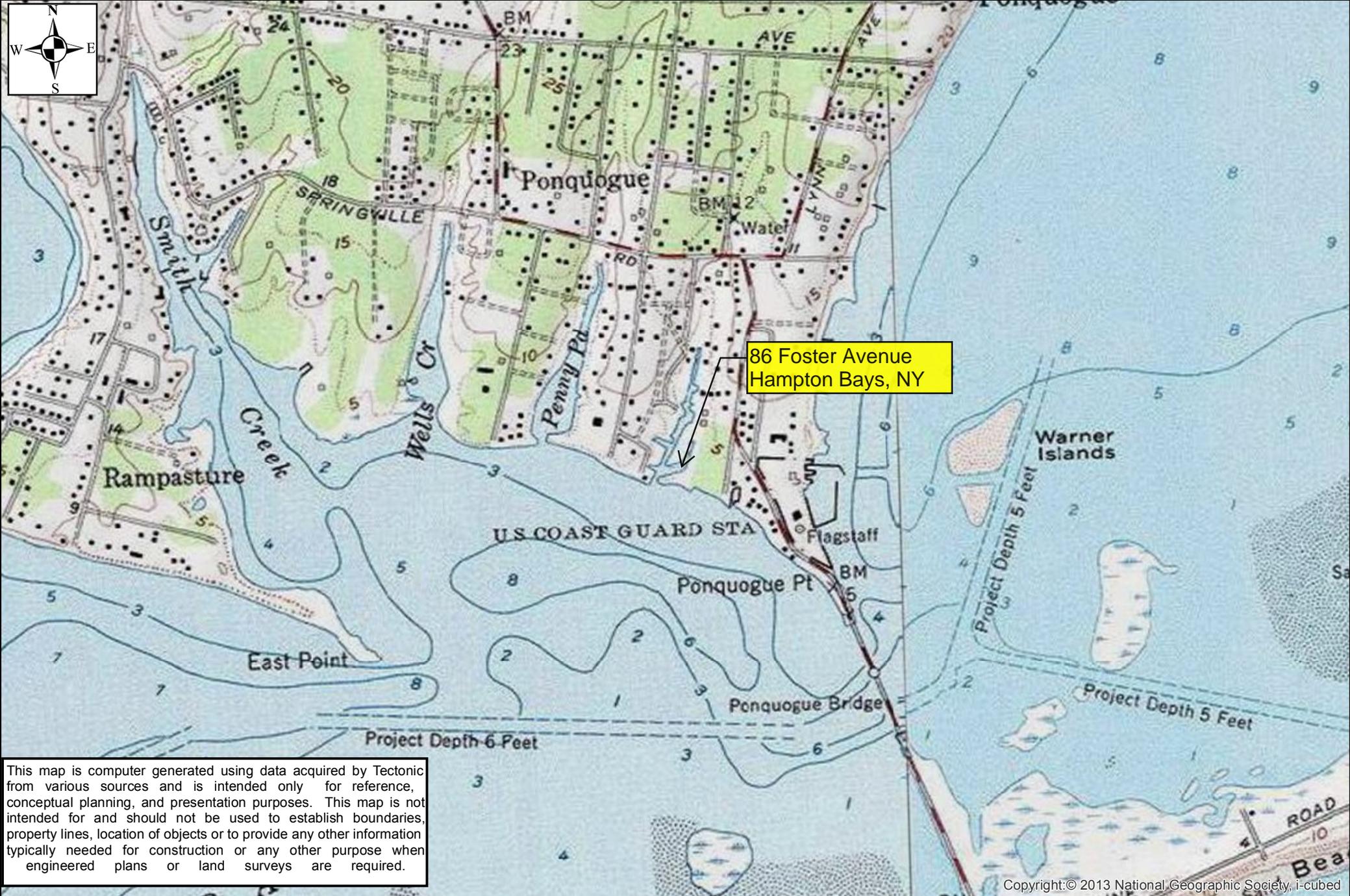
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



TECTONIC
70 Pleasant Hill Road,
Mountainville, N.Y. 10953
845.534.5959 voice 845.534-5999 fax
www.tectonicengineering.com

Ponquogue Marine Basin
86 Foster Avenue
Hampton Bays, N.Y. 11946





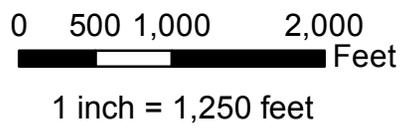
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 Hampton Bays, N.Y. 11946





-  Area of Dredging.
-  Bulkhead Repair/Replacement
-  Mean High Wave Break Wall

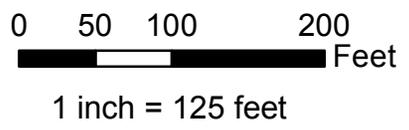


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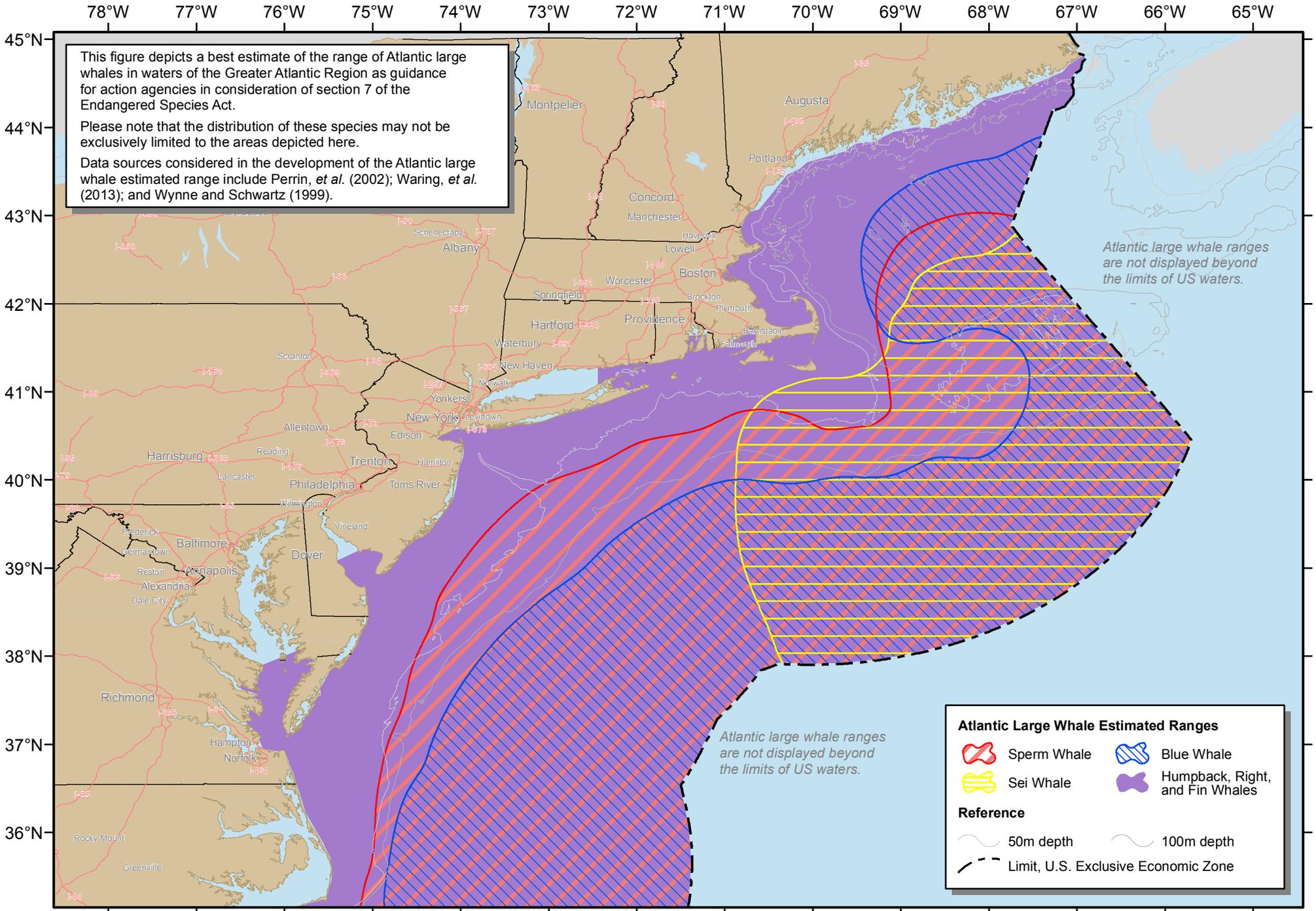


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Estimated Range of Atlantic Large Whales



Estimated Range of Sea Turtles

77°W 76°W 75°W 74°W 73°W 72°W 71°W 70°W 69°W 68°W 67°W 66°W

45°N
44°N
43°N
42°N
41°N
40°N
39°N
38°N
37°N

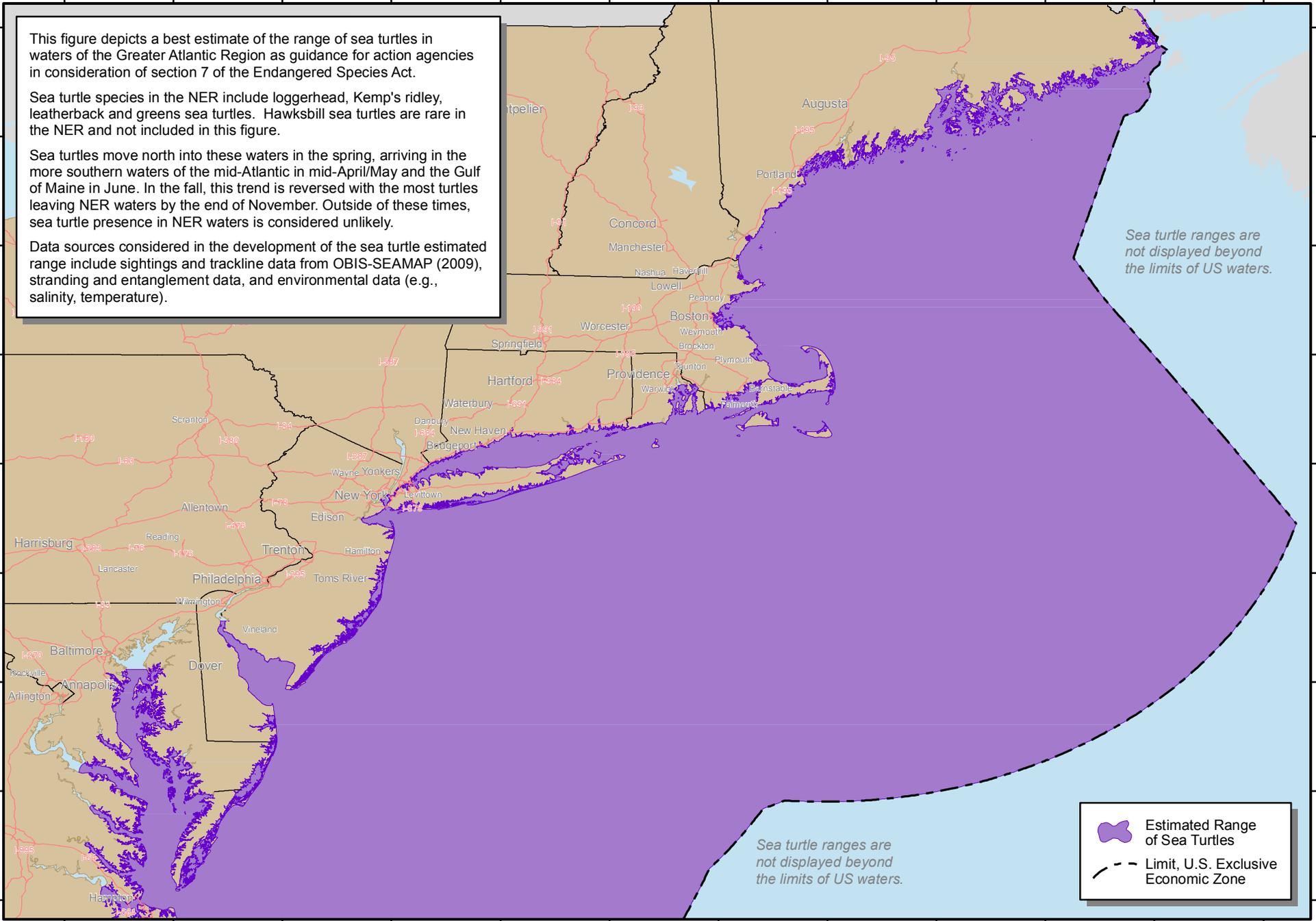
This figure depicts a best estimate of the range of sea turtles in waters of the Greater Atlantic Region as guidance for action agencies in consideration of section 7 of the Endangered Species Act.

Sea turtle species in the NER include loggerhead, Kemp's ridley, leatherback and greens sea turtles. Hawksbill sea turtles are rare in the NER and not included in this figure.

Sea turtles move north into these waters in the spring, arriving in the more southern waters of the mid-Atlantic in mid-April/May and the Gulf of Maine in June. In the fall, this trend is reversed with the most turtles leaving NER waters by the end of November. Outside of these times, sea turtle presence in NER waters is considered unlikely.

Data sources considered in the development of the sea turtle estimated range include sightings and trackline data from OBIS-SEAMAP (2009), stranding and entanglement data, and environmental data (e.g., salinity, temperature).

Sea turtle ranges are not displayed beyond the limits of US waters.



 Estimated Range of Sea Turtles
 Limit, U.S. Exclusive Economic Zone

Sea turtle ranges are not displayed beyond the limits of US waters.

Estimated Range of Atlantic Sturgeon Distinct Population Segments (DPSs)

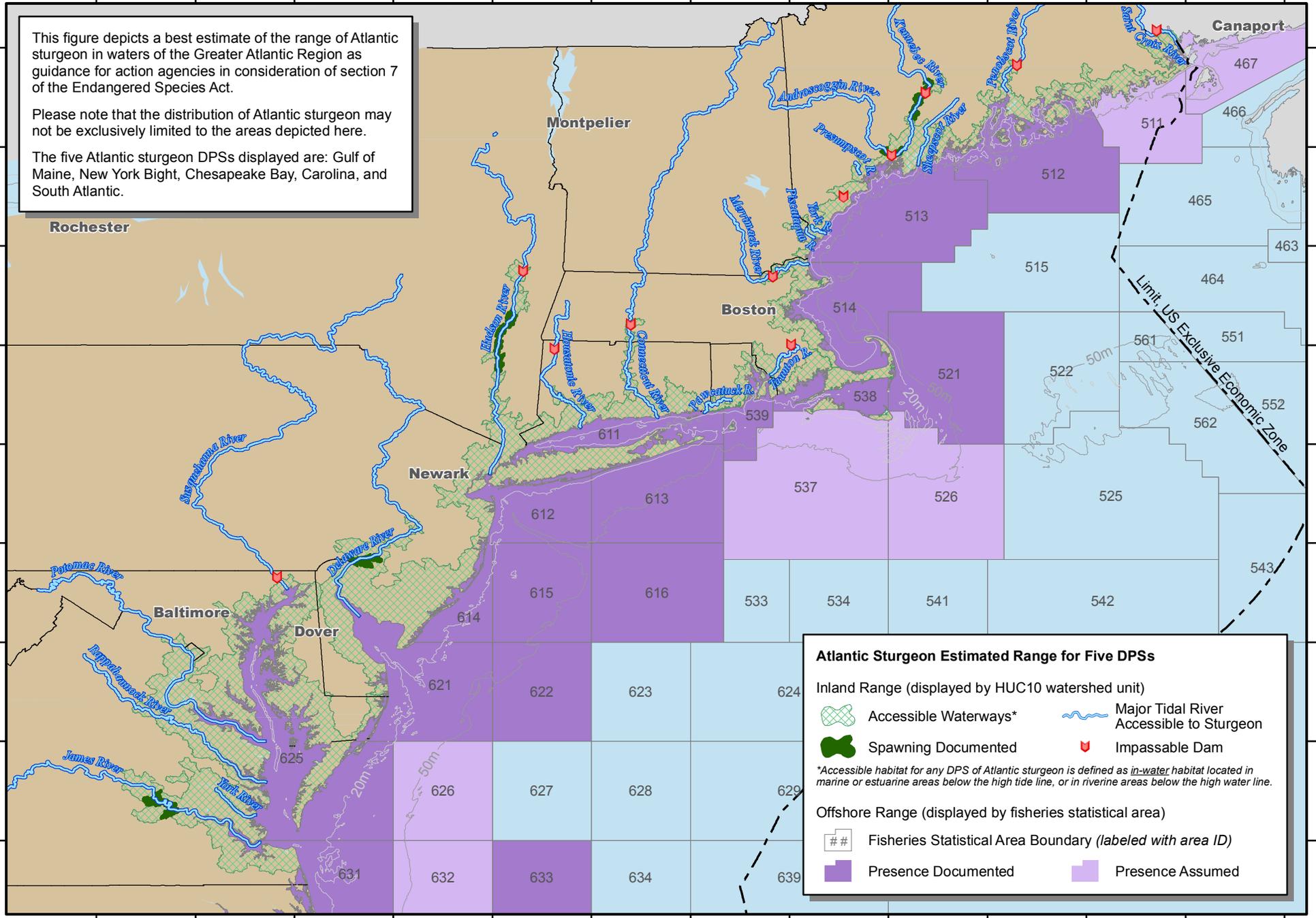
78°W 77°W 76°W 75°W 74°W 73°W 72°W 71°W 70°W 69°W 68°W 67°W 66°W

45°N
44°N
43°N
42°N
41°N
40°N
39°N
38°N
37°N

This figure depicts a best estimate of the range of Atlantic sturgeon in waters of the Greater Atlantic Region as guidance for action agencies in consideration of section 7 of the Endangered Species Act.

Please note that the distribution of Atlantic sturgeon may not be exclusively limited to the areas depicted here.

The five Atlantic sturgeon DPSs displayed are: Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, and South Atlantic.



Atlantic Sturgeon Estimated Range for Five DPSs

Inland Range (displayed by HUC10 watershed unit)

- Accessible Waterways*
- Spawning Documented

Offshore Range (displayed by fisheries statistical area)

- Major Tidal River Accessible to Sturgeon
- Impassable Dam
- Presence Documented
- Presence Assumed

*Accessible habitat for any DPS of Atlantic sturgeon is defined as *in-water* habitat located in marine or estuarine areas below the high tide line, or in riverine areas below the high water line.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 SMITH ROAD
SHIRLEY, NY 11967
PHONE: (631)286-0485 FAX: (631)286-4003

Consultation Code: 05E1LI00-2015-SLI-0096

April 03, 2015

Event Code: 05E1LI00-2015-E-00098

Project Name: Ponquogue Marine Basin Inc.

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Ponquogue Marine Basin Inc.

Official Species List

Provided by:

Long Island Ecological Services Field Office
340 SMITH ROAD
SHIRLEY, NY 11967
(631) 286-0485

Consultation Code: 05E1LI00-2015-SLI-0096

Event Code: 05E1LI00-2015-E-00098

Project Type: Dredge / Excavation

Project Name: Ponquogue Marine Basin Inc.

Project Description: Repair/ Replace Bulkhead; Dredge marina entrance; Construct new mean high wave break wall.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: Ponquogue Marine Basin Inc.

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-72.507457 40.8520101, -72.5058155 40.8516944, -72.5066942 40.8497459, -72.5084537 40.850249, -72.507457 40.8520101)))

Project Counties: Suffolk, NY



United States Department of Interior
Fish and Wildlife Service

Project name: Ponquogue Marine Basin Inc.

Endangered Species Act Species List

There are a total of 6 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Birds	Status	Has Critical Habitat	Condition(s)
Piping Plover (<i>Charadrius melodus</i>) Population: except Great Lakes watershed	Threatened	Final designated	
Red Knot (<i>Calidris canutus rufa</i>)	Threatened		
Roseate tern (<i>Sterna dougallii dougallii</i>) Population: northeast U.S. nesting pop.	Endangered		
Flowering Plants			
Sandplain gerardia (<i>Agalinis acuta</i>)	Endangered		
Seabeach amaranth (<i>Amaranthus pumilus</i>)	Threatened		
Mammals			
northern long-eared Bat (<i>Myotis septentrionalis</i>)	Proposed Endangered		



United States Department of Interior
Fish and Wildlife Service

Project name: Ponquogue Marine Basin Inc.

Critical habitats that lie within your project area

There are no critical habitats within your project area.

PONQUOGUE MARINE BASIN, INC. – SITE VISIT PHOTOS



Photo 1: Facing North. Area for bulkhead repair/ replacement on northwestern corner of marina basin.

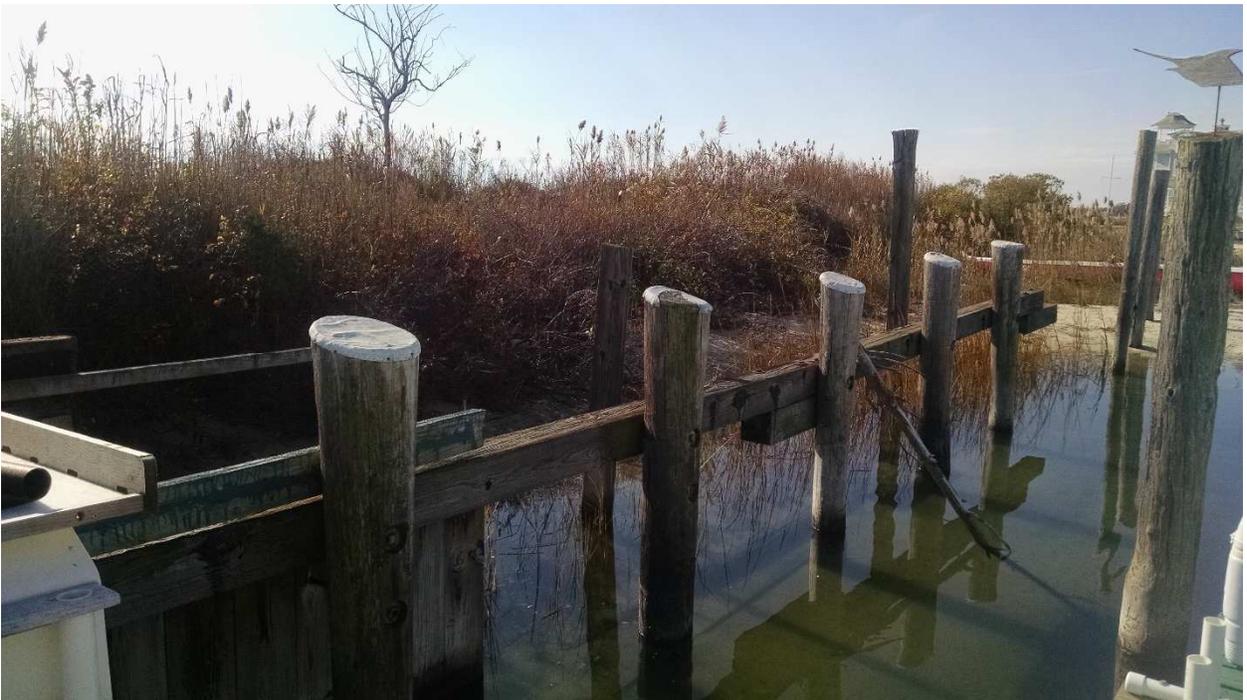


Photo 2: Facing Southwest. Bulkhead area on southern portion of basin to be replaced.



Photo 3: Facing West. Area to be dredged (this is the entrance to the marina basin from Foster Creek).

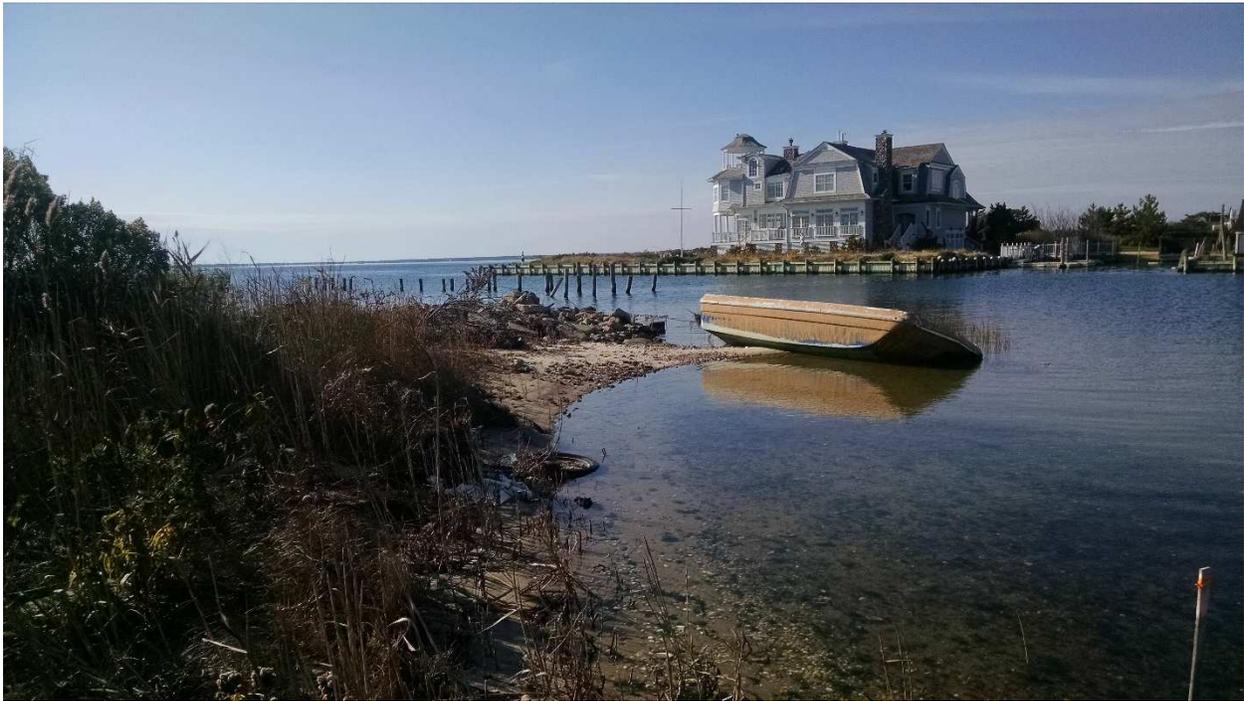


Photo 4: Facing West: toward the area where the mean high wave break wall is proposed to be built.



Photo 5: Facing Southwest: from the tip of peninsula towards the area where the mean high wave wall is proposed to be constructed. Note, the mean high wave wall will replace the brush jetty (see the pilings lined up), but will not extend as far as the current brush jetty.

Gomez, Joshua

From: Gievers, Andrea
Sent: Tuesday, September 22, 2015 2:49 PM
To: Gomez, Joshua
Subject: FW: [EXTERNAL] Question on NAN-2015-00745-EYR (UNCLASSIFIED)
Attachments: NAN-2015-00745-EYR William Stubelek.pdf

From: Shultz, Alicia (NYSHCR) [mailto:Alicia.Shultz@nyshcr.org]
Sent: Tuesday, September 22, 2015 2:18 PM
To: King, Thomas J (STORMRECOVERY) <Thomas.King@stormrecovery.ny.gov>; Gievers, Andrea <AGievers@tectonicengineering.com>
Subject: FW: [EXTERNAL] Question on NAN-2015-00745-EYR (UNCLASSIFIED)

Alicia Shultz

Community Developer - Environmental Services

New York State Homes & Community Renewal
38-40 State St., Hampton Plaza, Albany, NY 12207
(518) 474-0647 | Alicia.Shultz@nyshcr.org |

From: Jennifer Goebel - NOAA Affiliate [mailto:jennifer.goebel@noaa.gov]
Sent: Tuesday, September 22, 2015 1:59 PM
To: Shultz, Alicia (NYSHCR)
Cc: Daniel Marrone - NOAA Federal
Subject: Fwd: [EXTERNAL] Question on NAN-2015-00745-EYR (UNCLASSIFIED)

Hi Alicia,

In the information you sent, you included information about the Corps general permit, so you're all set. There is no need to consult with us further, as you will see below.

I am no longer working in Protected Resources, so please contact Dan Marrone, cc'd above, if you have any further questions.

Thanks,
Jennifer

----- Forwarded message -----

From: Youhas, Robert NAN <Robert.Youhas@usace.army.mil>
Date: Fri, Sep 4, 2015 at 6:58 AM
Subject: RE: [EXTERNAL] Question on NAN-2015-00745-EYR (UNCLASSIFIED)

To: Daniel Marrone - NOAA Federal <daniel.marrone@noaa.gov>
Cc: Jennifer Goebel - NOAA Affiliate <jennifer.goebel@noaa.gov>

Classification: UNCLASSIFIED
Caveats: NONE

Hello Dan:

Yes, we actually did issue this one under a Nationwide General Permit #3 Maintenance on 08 July 2015. I've attached it for your reference. We did add several EFH/ESA special conditions to the permit to protect any aquatic species and/or habitat that may be present during while the work is being conducted. So, no further consultation would be needed for this one.

Thanks.

Robert Youhas
Regulatory Branch, Eastern Section
U.S. Army Corps of Engineers New York District
26 Federal Plaza, Room 1937
New York, NY 10278
Phone: 917-790-8715
Fax: 212-264-4260

PLEASE USE THE ABOVE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE

-----Original Message-----

From: Daniel Marrone - NOAA Federal [mailto:daniel.marrone@noaa.gov]
Sent: Thursday, September 03, 2015 11:06 AM
To: Youhas, Robert NAN
Cc: Jennifer Goebel - NOAA Affiliate
Subject: [EXTERNAL] Question on NAN-2015-00745-EYR

Hi Robert,

I have received an ESA section 7 consultation request from the New York State Governor's Office of Storm Recovery on the above referenced project number for the dredging of the Ponquogue Marina entryway.

It looks like this project may already be covered under a general permit. Do you think this needs to be consulted on separately or did we receive this consultation request in error? I can provide more information on the project if needed.

Thanks,
Dan

Classification: UNCLASSIFIED
Caveats: NONE

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Jennifer S. Goebel
Public Affairs Officer
office: 978-281-9175/cell 617-335-4301
Greater Atlantic Regional Fisheries Office
NOAA Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Interim Executive Director

August 27, 2015

Jennifer Goebel, Protected Resources Division
NMFS Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

CC: Daniel Marrone, Protected Resources Division
NMFS Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

VIA EMAIL: Jennifer.goebel@noaa.gov; daniel.marrone@noaa.gov

Re: Online Project Review Request, Ponquogue Marine Basin, Inc., Suffolk County, New York

Dear Ms. Goebel:

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of the New York Homes and Community Renewal's (NYSHCR) Housing Trust Fund Corporation, was established to aid the statewide recovery of disaster-affected communities in New York State. GOSR is administering a U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant for Disaster Recovery (CDBG-DR), including the Economic Development - Small Business Grant Program. This letter requests consultation with the National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NMFS), pursuant to section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and the Marine Mammal Protection Act (MMPA), for a single project proposed to receive CDBG-DR assistance. The environmental review for projects funded under the Small Business Grant Program are processed on a case-by-case basis in accordance with the NMFS Greater Atlantic Region Section 7 Program Guidance.

This consultation request is to revise and supplement a previous request submitted on or about May 4, 2015. Subsequently, NOAA requested additional information regarding the proposed project in order to complete a consultation, and the requested information is included herein.

We have reviewed the below-referenced project according to USFWS and NMFS procedures. We completed our review on 8/26/2015 and are submitting our revised project review package to request review of the proposed project pursuant to Section 7 of the ESA. We are submitting case materials so that NMFS can indicate if it concurs with the determination that the proposed project "May affect, but is not likely to adversely affect" endangered/ threatened species or critical habitat for marine species under NMFS jurisdiction.



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Interim Executive Director

Proposed Project:

Ponquogue Marine Basin, Inc. is a full-service marina and boatyard located at 86 Foster Avenue, on the southern edge of the hamlet of Hampton Bays in the Town of Southampton, Suffolk County, New York. Based on Suffolk County Assessment data, this commercial property is Tax Map ID 0900-374.00-02.00-003.001. The location and the action area are identified on the enclosed street map, USGS topographic map, and aerial map in **Attachment 1**. Site plans are included in **Attachment 2**.

Flooding and erosion caused widespread damage to the business including building damage, dock damage, and bulkhead damage. Ponquogue Marine Basin, Inc. requested reimbursement assistance for supplies for building repair, future funding to repair bulkheads in-place, dredge the entrance to the marina which was affected by shoaling during the storms, and install a mean high wave wall, which will serve to protect the property during future storm events and enhance natural beach replenishment. The majority of the mean high wave wall will be located where there is a pre-existing brush jetty. New ground disturbance will be minimal. The aerial map included in **Attachment 1** provides the locations of the dredging, bulkhead repair, and mean high wave wall. The mean high wave wall occurs within a pre-existing marina basin, within Foster's Creek and partially within Shinnecock Bay.

The proposed dredging is within the marina basin as shown on the aerial image in **Attachment 1**. Dredging will be done to the extent of creating a channel depth of 6 feet at mean low water (approximately 800 cubic yards per the Board of Trustees permit). Dredge spoils will be stored on land adjacent to the dredging location (see site plans - **Attachment 2**). The wall will be installed approximately 12 feet deep into the Shinnecock Bay bottom and the top of the wall will be 2 feet 6 inches above mean high water. The mean high wave wall will be 1 foot higher than the existing bulkheads in the marina and will connect to those bulkheads.

All activities conducted by the applicant will be completed in compliance with applicable federal, state, and local environmental permits. Permits already received are included in **Attachment 3**, and the applicant is currently submitting permit applications to the NYSDEC and USACE for the mean high wave wall project.

On Wednesday, May 20, 2015, Daniel Greene (GOSR) responded to a request for detailed project information requested by Jennifer Goebel of NOAA. Additional information was then requested by Jennifer Goebel on June 30, 2015 in order to complete a consultation (copies of the email correspondence is included in **Attachment 4**). The requested information has been explored and the applicant has provided a summary of the proposed project (**Attachment 5**). Below are details describing the proposed work for bulkhead rehabilitation, dredging, and the installation of the mean high wave wall:



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Interim Executive Director

Bulkhead Work

- The proposed work is the reconstruction of a 40-foot section bulkhead and a 10-foot section of bulkhead using vinyl sheathing. Additionally, a 20-foot bulkhead return will be installed at the south end of the bulkhead and a 45-foot return will be installed at the north end of the bulkhead. The height of the bulkhead will not be changed from the previous bulkhead. This proposed work will replace sheathing, piling, and fill lost during Superstorm Sandy.
- Work was started under a Superstorm Sandy general permit, but work was stopped, and the permit has expired.
- Approximately 150 square feet of area will be filled behind (landward) of the new bulkhead, with clean screened sand and gravel.

Dredging

- Dredging up to 800 cubic yards of sediment is proposed which will be removed and placed in an approved upland dike area with no return to the waterway. Excavated sediment shall be placed directly into an approved disposal/dewatering site. According to applicant, the dredge materials will be placed in an earthen berm containment area which has been used before by the Town of Southampton during dredging of the entrance of Foster's Creek immediately after Superstorm Sandy. The dredged material will be used as sand replacement, if allowed by permit, or it will be sold to off-site users.
- The shoal material consists primarily of sand and silty clay.
- The dredging will take place inside a man-made basin in order to maintenance dredge the mouth of the marina entrance back to pre-storm conditions.
- A long-reach mechanical bucket will be used to dredge the designated area to six (6) feet below mean low water. A clam shell bucket or other closed bucket will be used during dredging to prevent spillage. Contractor will prevent spillage of sediment during construction and haulage.
- The storage of construction equipment and materials shall be confined within the project work area and/or upland areas greater than 30 linear feet from the tidal wetland.
- All side slopes of the dredged area will have a minimum of 1:3 slope.

Time Frame

Dredging is prohibited between June 1 through September 30 to protect spawning shellfish and/or spawning finfish.

Turbidity

A filter fabric (turbidity curtain) weighted across the bottom and suspended at the top by floats shall be positioned to enclose the work site before commencing dredging. The curtain shall remain in place and in functional condition during all phases of the dredging operations and remain in place for two (2) hours after



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Interim Executive Director

dredging termination and turbidity inside the curtain no longer exceeds ambient levels.

Wave Wall

- The proposed work is to extend the bulkhead 150 feet westward and install a 50-foot return south (seaward) within the entrance of Foster's Creek. The 50-foot section of the wave wall within Foster's Creek/Shinnecock Bay will replace an existing brush jetty, and new ground disturbance within the channel and Shinnecock Bay will be limited.
- A water jet propulsion system will be used to create holes in which the pilings for the wave wall will be placed. The pilings may then be "tapped in" to ensure they are placed firmly. Once the pilings are in place, vinyl wall sheathing will be coupled between the pilings. The water jet propulsion uses pressurized water to create holes in order to put the pilings in. A pipe (about 25 feet long) is hung from a crane/backhoe/other machine and it can be moved up and down in order to "blast away" sand. The holes created will be approximately 8-10 inches in diameter for the piling. Once the piling is installed, the sheathing is then driven in using the same system. The applicant plans to work off a small barge (20-30 feet in length) (using a crane to hang the water jet propulsion system). A backhoe may be used to hang the water jet system in areas closer to land. No "mechanical digging" (i.e. clamshell bucket or other type backhoe) will occur in the water. This means that no backhoe will be digging below water line for this proposed work; only the water jet propulsion system is used.
- Turbidity curtains and other permit requirements will be implemented in order to minimize turbidity due to the proposed project.
- The water jet propulsion system will operate off a barge, and will be hung off an excavator from the land if needed. Equipment involved in the construction of the mean high wave wall will include a barge, an excavator (if needed to hang the water jet propulsion system for work near the land), a water jet propulsion system, wooden pilings, and vinyl sheathing.

NMFS Endangered Species Maps for the Atlantic Coast (**Attachment 6**) indicate that the proposed project occurs within the range of Atlantic Large Whales, Sea Turtles, and the Estimated Range of Atlantic Sturgeon Distinct Population Segments (DPSs). The project occurs in an already established marina area and at the entrance Foster Creek, which is heavily bulkheaded and provides access to the Shinnecock Bay for several marinas and residences. Aerial images show numerous boats moored within the marinas and are indicative of heavy boat traffic during boating seasons. Moreover, the project work occurs in shallow near shore waters and within an established marina basin. Given the developed project area, that the majority of the proposed work is within a pre-existing marina basin, and the implementation of turbidity control measures during construction, it is our determination that the project "May affect, but is not likely to adversely affect" the marine species listed above.



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Interim Executive Director

An information request to the NYSDEC New York Natural Heritage Program (NYNHP) was submitted and a response received. The NYNHP indicates that it has no records of rare, threatened, or endangered species present in the vicinity of the project area. Project information was submitted to the USFWS, and an acknowledgement of receipt of the "No Effect" determination for Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Roseate Tern (*Sterna dougallii dougallii*), Sandplain Gerardia (*Agalinis acuta*), Seabeach Amaranth (*Amaranthus pumilus*), and the Northern Long-Eared Bat (*Myotis septentrionalis*) was received on July 1, 2015. The NYNHP and USFWS correspondence is included in **Attachment 7**.

Photographs of the project site are included in **Attachment 8** of this project review request. For additional information, please contact me by email at Thomas.King@stormrecovery.ny.gov or by telephone at (646) 417-4660.

Sincerely,

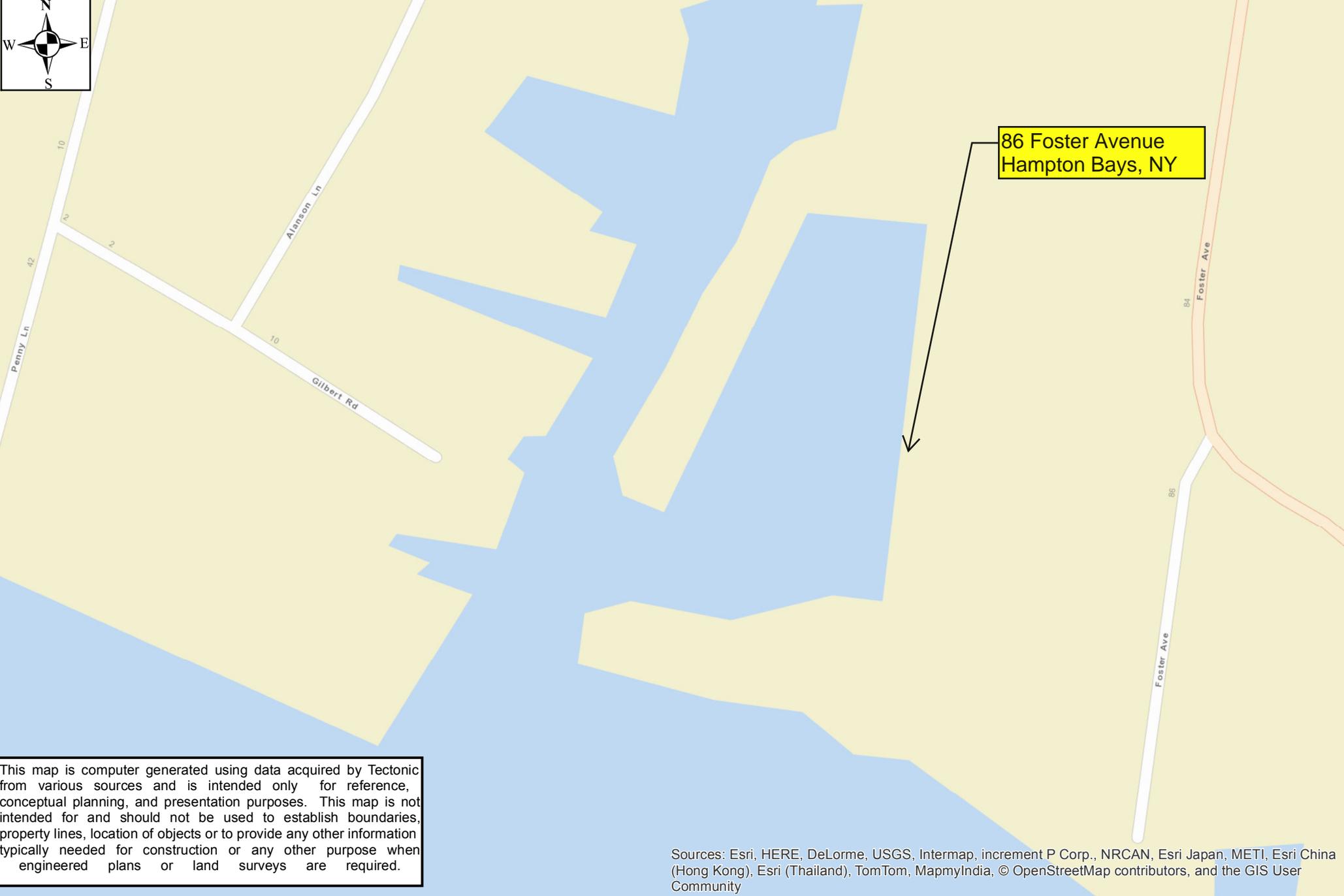
Thomas King
Assistant General Counsel & Certifying Officer
Governor's Office of Storm Recovery

Enclosures:

- 1) Location Maps
- 2) Site Plans
- 3) Project Permits Received
- 4) NOAA Email Correspondence
- 5) Summary of Proposed Work
- 6) NMFS Endangered Species Maps
- 7) NYNHP and USFWS Letters
- 8) Photographs of Ponquogue Marine Basin

Attachment 1

Location Maps



86 Foster Avenue
Hampton Bays, NY

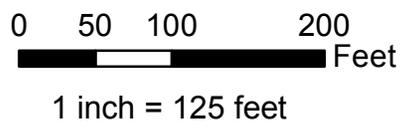
This map is computer generated using data acquired by Tectonic from various sources and is intended only for reference, conceptual planning, and presentation purposes. This map is not intended for and should not be used to establish boundaries, property lines, location of objects or to provide any other information typically needed for construction or any other purpose when engineered plans or land surveys are required.

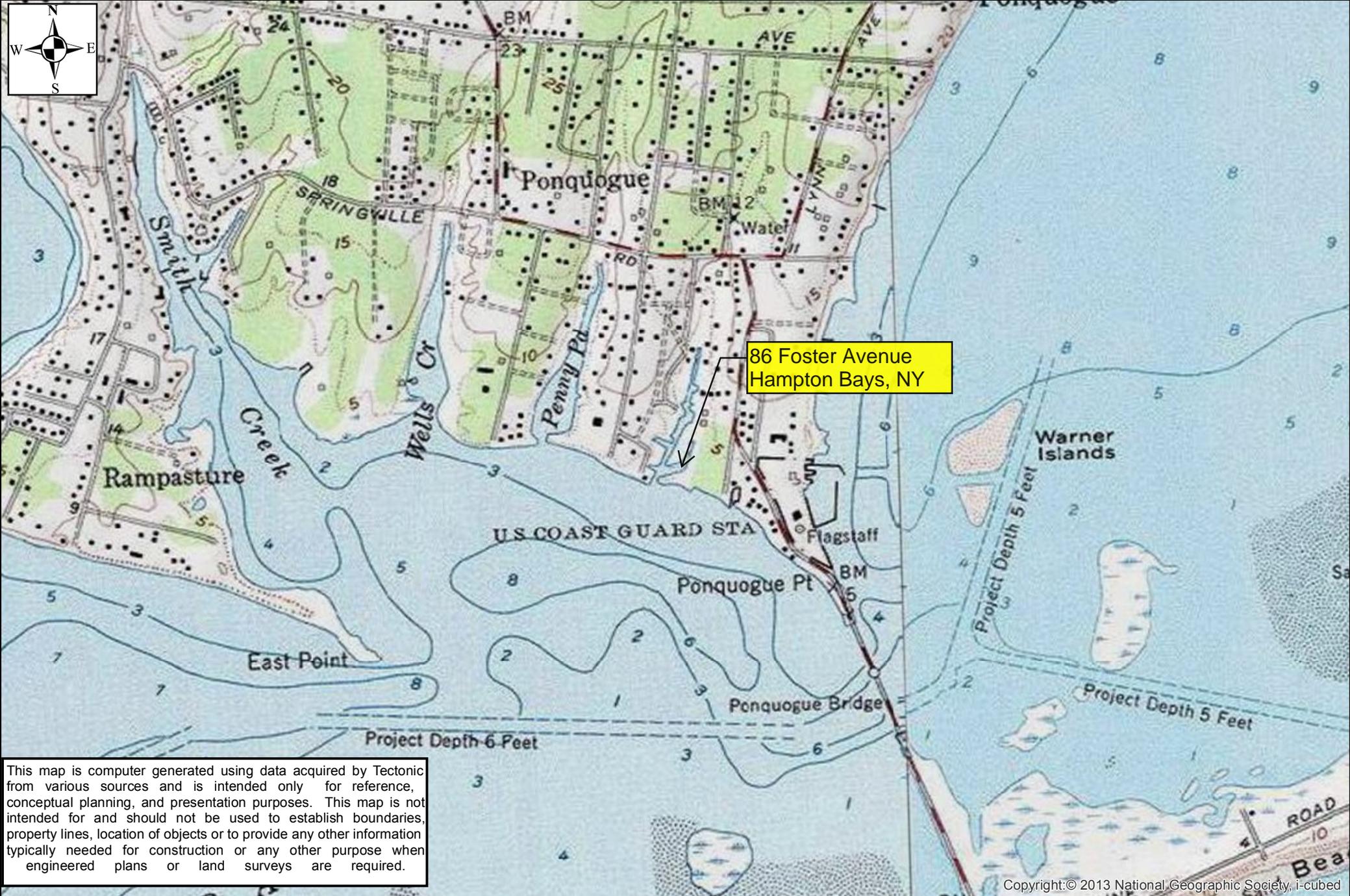
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



TECTONIC
70 Pleasant Hill Road,
Mountainville, N.Y. 10953
845.534.5959 voice 845.534-5999 fax
www.tectonicengineering.com

Ponquogue Marine Basin
86 Foster Avenue
Hampton Bays, N.Y. 11946





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Ponquogue Marine Basin
 86 Foster Avenue
 Hampton Bays, N.Y. 11946

0 500 1,000 2,000 Feet
 1 inch = 1,250 feet



-  Area of Dredging.
-  Bulkhead Repair/Replacement
-  Mean High Wave Break Wall

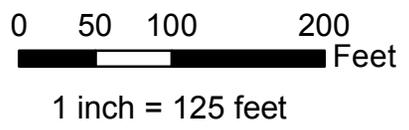


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Ponquogue Marine Basin
 86 Foster Avenue
 Hampton Bays, N.Y. 11946



Attachment 2

Site Plans



SCALE: 1" = 50'

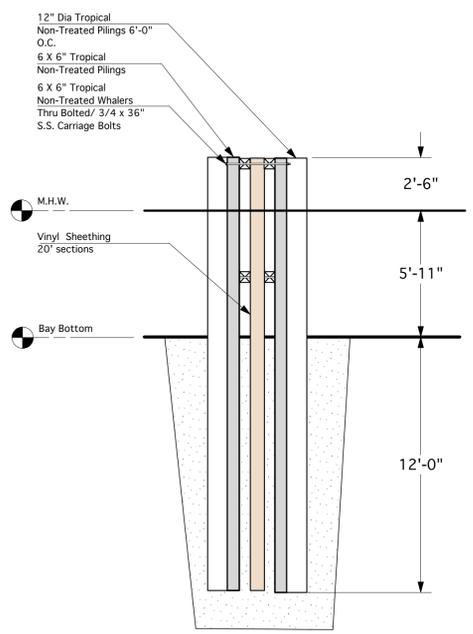
△	REVISIONS	DATE
	Original	11/20/2014

Project: **Ponquogue Marina Navy Pier Proposal**
 86 Foster Ave
 Hampton Bays, NY

EDWARD A. BATCHELLER LLC Sheet
 Architectural Design + Drafting
 7 Jagger Lane, Westhampton, NY 11977 631 355 2254

A1 Site Plan

REVISIONS	DATE
ORIGINAL	3/5/2015



2 SECTION AT NAVY WALL
Scale: 1/4" = 1'-0"

LINE OF EXISTING SHORELINE
FROM SURVEY OF JULY, 1975

FOSTER'S CREEK (DUG CANAL)

SHINNECOCK BAY

50'-0"

1'-0" ABOVE ELEVATION OF EXISTING BULKHEAD
(2'-6" ABOVE MEAN HIGH WATER)

ENTRANCE TO PONQUOGUE MARINA

1'-0" ABOVE ELEVATION OF EXISTING BULKHEAD
(2'-6" ABOVE MEAN HIGH WATER)

EXISTING BULKHEAD
AT TABOR RES.

149'-6"

LINE OF EXISTING SHORELINE
FROM SURVEY OF NOV. 15TH, 2013

LINE OF EXISTING BULKHEAD

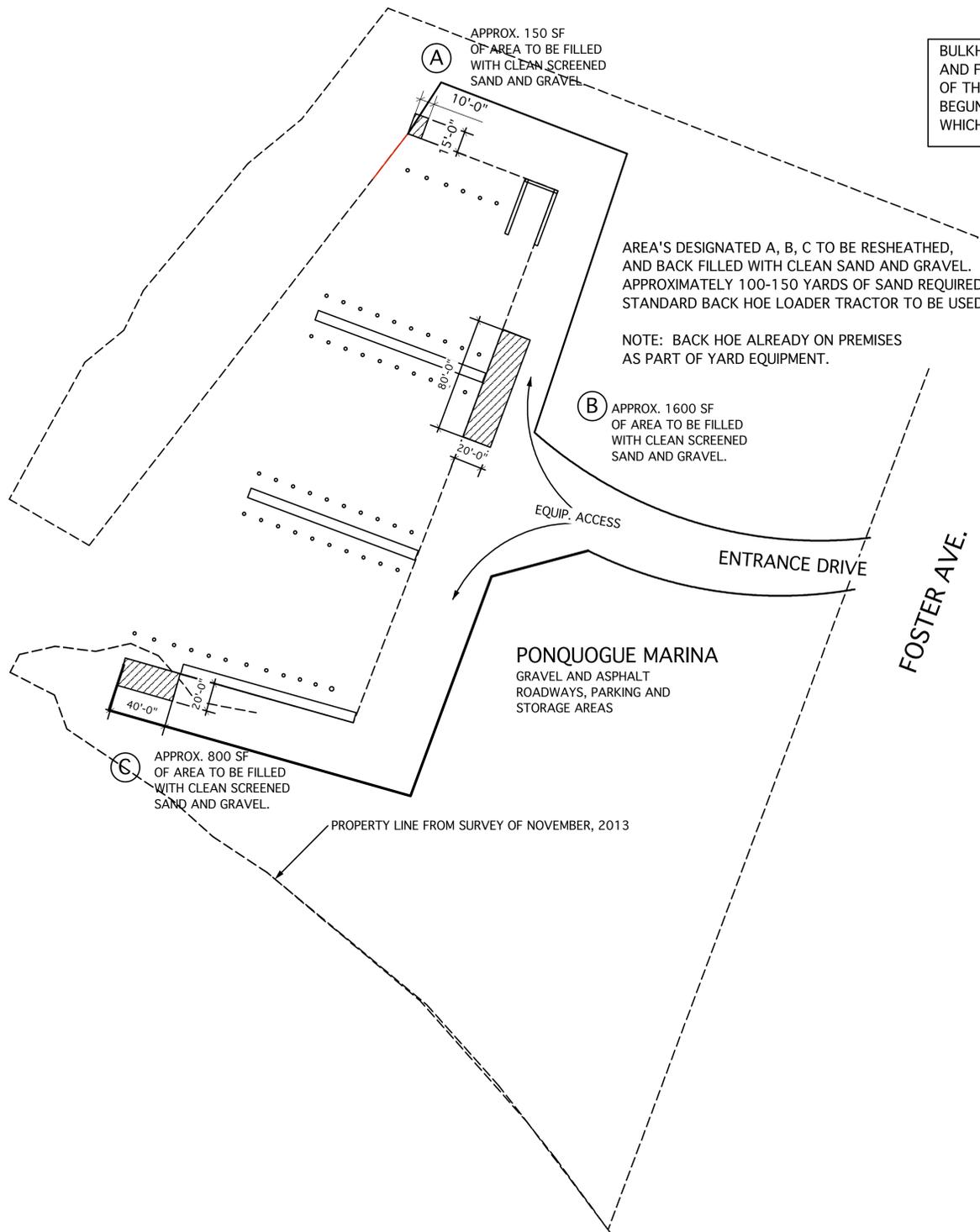
Project: **PONQUOGUE MARINA**
JETTY/WAVE BREAK WALL
FOSTER'S CREEK, HAMPTON BAYS, NY

EDWARD A. BATCHELLER LLC
 Architectural Design + Drafting
 7 Jagger Lane, Westhampton, NY 11977 631 355 2224

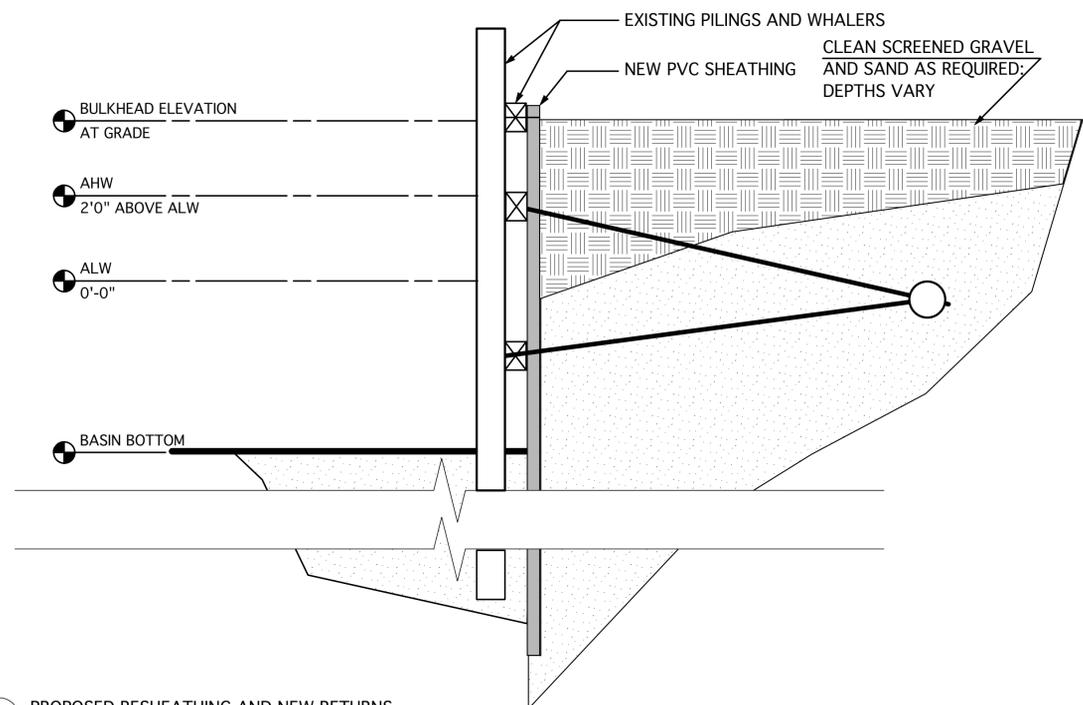
Sheet **A2**

PLAN & SECTION

BULKHEAD RESHEATH PROJECT TO REPLACE SHEATHING AND FILL LOST DURING STORM SANDY. THE PURPOSE OF THIS PERMIT APPLICATION IS TO COMPLETE WORK BEGUN UNDER THE STORM SANDY GENERAL PERMIT, WHICH HAS EXPIRED.



PROJECT LOCATION MAP: 86 FOSTER AVE., HAMPTON BAYS NY.



2 PROPOSED RESHEATHING AND NEW RETURNS
Scale: 1/2" = 1'-0"

Plan
Scale: 1" = 50'

Legend:

REVISIONS	DATE
Original	12/16/2014
NOTES AND DETAIL	1/4/2015

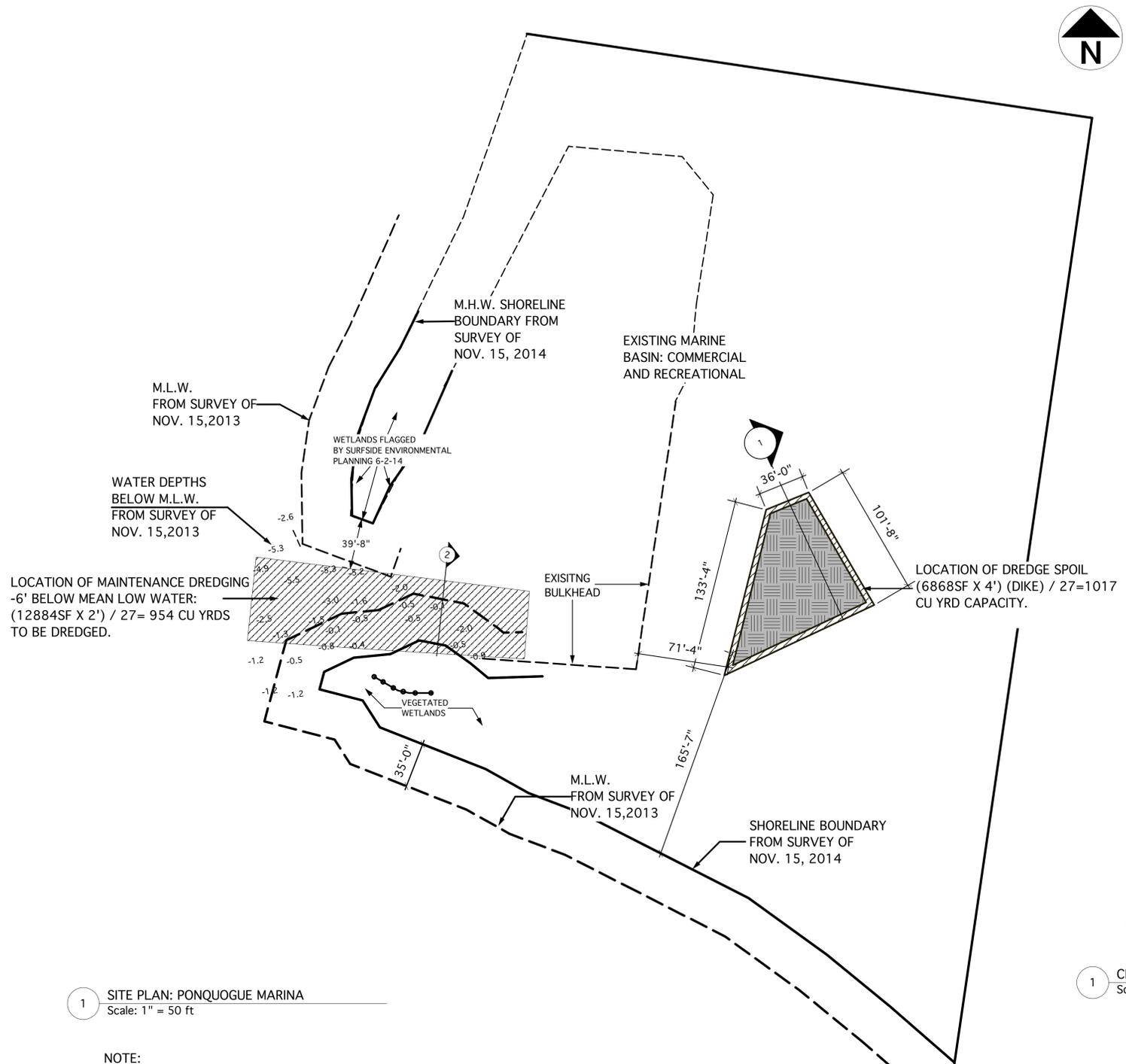
Project: **PONQUOGUE MARINA**
STORM SANDY REPAIRS
Foster Ave, Hampton Bays, NY

Sheet: **A-1**

Plan & Section

EDWARD A. BATCHELLER LLC
Architectural Design
7 Jagger Lane, Westhampton, NY 11977 631 355 2224

10/3/2013

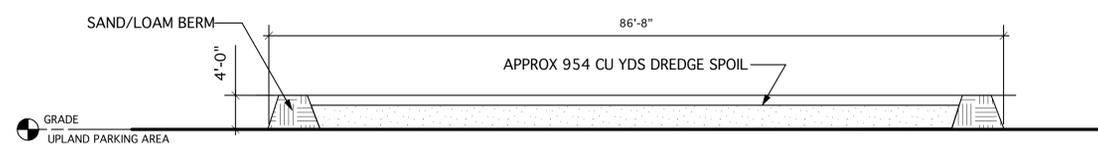


1 SITE PLAN: PONQUOGUE MARINA
Scale: 1" = 50 ft

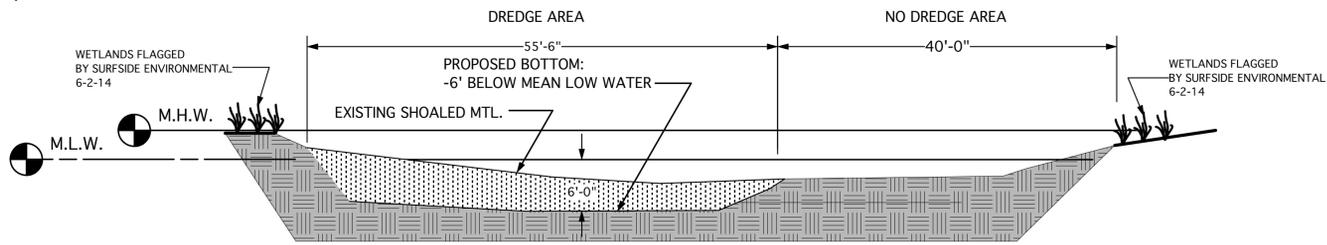
NOTE:
APPROX. 954 YDS OF DREDGE SPOIL
TO BE REMOVED AND PLACED IN
UPLAND AREA WITH NO RETURN
TO WATERWAY. SHOAL MATERIAL
CONSISTS PRIMARILY OF SAND AND
SILTY CLAY.



3 LOCATION MAP
NOT TO SCALE



1 CROSS SECTION SPOILS CONTAINMENT
Scale: 1" = 10 ft



2 CROSS SECTION MARINA ENTRANCE
Scale: 1" = 10 ft

REVISIONS	DATE
Original	2/15/2014
REVISED	6/15/2014
REVISED	7/9/2014

Project: **Ponquogue Marina: MAINTENANCE DREDGING**
86 Foster Ave
Hampton Bays, NY

PLAN &
SECTION

A2

EDWARD A. BATCHELLER LLC Sheet
Architectural Design + Drafting
7 Jagger Lane, Westhampton, NY 11977 631-855-2224

Attachment 3
Project Permits
Received

Dredging Permits



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
PONQUOGUE MARINE BASIN INC
86 FOSTER AVE
HAMPTON BAYS, NY 11946

Facility:
PONQUOGUE MARINA
86 FOSTER AVE
HAMPTON BAYS, NY 11946

Facility Location: in SOUTHAMPTON in SUFFOLK COUNTY
Facility Principal Reference Point: NYTM-E: 710.139 NYTM-N: 4525.205
Latitude: 40°51'03.5" Longitude: 72°30'25.5"

Project Location: Shinnecock Bay

Authorized Activity: Maintennace dredge marina access channel to -6 feet below the low tide level and place resultant dredged material on site. All work shall be done according to the plan prepared by Edward Batcheller last revsied 9/4/14 and stamped NYSDEC approved on 9/10/14.

Permit Authorizations

Tidal Wetlands - Under Article 25

Permit ID 1-4736-02060/00009

New Permit

Effective Date: 9/10/2014

Expiration Date: 9/9/2024

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 1-4736-02060/00010

New Permit

Effective Date: 9/10/2014

Expiration Date: 9/9/2024

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 1-4736-02060/00011

New Permit

Effective Date: 9/10/2014

Expiration Date: 9/9/2024

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: MARK CARRARA, Deputy Regional Permit Administrator
Address: NYSDEC REGION 1 HEADQUARTERS
SUNY @ STONY BROOK|50 CIRCLE RD
STONY BROOK, NY 11790 -3409

Authorized Signature: _____

Date 9/10/2014



Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: TIDAL WETLANDS; WATER QUALITY CERTIFICATION;
EXCAVATION & FILL IN NAVIGABLE WATERS**

1. Notice of Maintenance Dredging For maintenance dredging projects, the permittee shall submit a Notice of Commencement prior to each dredging occurrence, specifying the disposal site (including an updated site plan). Upon completion, a Notice of Completion shall be submitted to the address indicated on that notice form, including the amount of material dredged and deposited at the approved disposal site.

2. Post Permit Sign The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

3. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Edward Batcheller last revised on 9/4/14..

4. Dredging Once Per Year Dredging shall be undertaken no more than once in any calendar year unless specifically authorized by the department.

5. Dredging Prohibition Period Dredging is specifically prohibited from June 1 through September 30 each year to protect spawning shellfish and/or spawning finfish.

6. No Dredging near Tidal Wetland No dredging shall occur within 22 linear feet of the seaward edge of the inter tidal marsh areas.

7. Filter Fabric Curtain Around Dredging Area A filter fabric (turbidity) curtain weighted across the bottom and suspended at the top by floats shall be positioned to enclose the work site before commencing dredging. The curtain shall remain in place and in functional condition during all phases of the dredging operations and remain in place for two hours after dredging termination and turbidity inside the curtain no longer exceeds ambient levels.

8. Storage of Equipment, Materials The storage of construction equipment and materials shall be confined within the project work area and/or upland areas greater than 30' linear feet from the tidal wetland boundary.

9. Restrict Spillage, Use Closed Bucket During the dredging operation, the permittee and his



contractor shall prevent spillage of sediment during excavation and haulage. Dredging shall be accomplished with a clam shell or other closed bucket equipment.

10. No Side-casting or Temporary Storage Excavated sediment shall be placed directly into the approved disposal/dewatering site or conveyance vehicle. No side-casting (double dipping) or temporary storage of dredged material is authorized.

11. Grade Channel Side Slopes All side slopes of the dredge channel will have a maximum of 1:3 slope.

12. Dredgings to Remain On-Site/Within Wetland Dredge material approved to remain on-site and/or within the NYSDEC Tidal Wetlands jurisdiction shall be retained so as not to enter any water body, tidal wetlands, or protected buffer areas. Off-site, upland disposal of dredged material beyond NYSDEC Tidal Wetland jurisdiction requires the additional guidance of the Division of Materials Management (631) 444-0375 and is not covered by this permit.

13. No Disturbance to Vegetated Tidal Wetlands There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activities.

14. No Construction Debris in Wetland or Adjacent Area Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.

15. Dredged Depth Survey Within 30 days of completion of the dredging operation, an as-dredged depth survey of the dredged area shall be submitted to

Regional Habitat - TW
NYSDEC REGION 1 HEADQUARTERS
SUNY @ STONY BROOK|50 CIRCLE RD
STONY BROOK, NY11790 -3409
Attn: Compliance

16. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

17. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

18. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of



Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

19. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

20. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this



permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 1 HEADQUARTERS
SUNY @ STONY BROOK|50 CIRCLE RD
STONY BROOK, NY11790 -3409

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Tidal Wetlands, Water Quality Certification, Excavation & Fill in Navigable Waters.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision



under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

JUL 08 2015

REGULATORY BRANCH

SUBJECT: Permit Application File Number NAN-2015-00745-EYR by William Stubelek for one-time dredging of Ponquogue Marina entranceway at Shinnecock Bay, Town of Southampton, Suffolk County, New York.

1. PERMITTEE:

William Stubelek
86 Foster Avenue
Hampton Bays, NY 11946

2. On June 26, 2015, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization to perform one-time dredging, via long-boom excavator, of approximately 954 cubic yards of material from the rectangular-shaped approximately 55-foot long by 25-foot wide entranceway to Ponquogue Marina to a maximum depth of 6-feet below the Plane of Mean Low Water. All resultant dredged material will be placed in an upland, bermed area, with dewatering into Shinnecock Bay. The project is located 86 Foster Avenue in the Town of Southampton, Suffolk County, New York.

3. The specific applicant-provided details are as shown on the enclosed dated permit drawings.

4. This determination covers only the work described in the submitted material. Any major changes in the regulated work may require additional authorizations from the New York District of the U.S. Army Corps of Engineers.

5. Based on the information submitted to this office and accomplishment of any required notification in accordance with the applicable federal requirements, our review of the subject work indicates that an individual Department of the Army permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 3 – MAINTENANCE. The nationwide permits are prescribed at Reissuance of Nationwide Permits in the Federal Register dated February 21, 2012 (77 FR 10184). The subject work may be performed without further authorization from this office provided it complies with the permit conditions listed in Section B, Number 3 – MAINTENANCE; Section C; any applicable New York District regional conditions; the following work-specific Special Conditions listed below; and any applicable regional conditions added by the State of New York.

6. Other than the work-specific Special Conditions listed below, the 2012 nationwide general permits in the State of New York, including their final regional conditions, water quality certifications, and coastal zone concurrence statements are available at:

JUL 08 2015

REGULATORY BRANCH

SUBJECT: Permit Application File Number NAN-2015-00745-EYR by William Stubelek for one-time dredging of Ponquogue Marina entranceway at Shinnecock Bay, Town of Southampton, Suffolk County, New York.

http://www.nan.usace.army.mil/Portals/37/docs/regulatory/geninfo/natp/NWP_PN_30M_AY12.pdf

If you require a specific paper copy, please contact our Regulator-of-the-Day at 917-790-8511 to request one be mailed to you. Please be sure to have the above eighteen-character file number readily available when you call.

7. Work-specific Special Conditions:

(A) No dredging or other in-water work may be undertaken between March 01 and June 30 of any calendar year to minimize potential adverse effects to early life stages and habitat of aquatic species that may be present in the work area.

(B) Best management practices shall be utilized to minimize turbidity during all in-water work activities as well as prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.

(C) The permittee shall contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

(D) Incidents where any individual plant or animal listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the New York District of the U.S. Army Corps of Engineers at (917) 790-8511. The finder should leave the plant or animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

8. Please note that this nationwide general permit (NWGP) verification is based on a preliminary jurisdictional determination (JD). A preliminary jurisdictional determination (JD) is not appealable. If you wish, prior to commencement of the authorized work you may request an approved jurisdictional determination (JD), which may be appealed, by contacting the New York District, US Army Corps of Engineers for further instructions. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review US Army Corps of Engineers Regulatory Guidance Letter Number 08-02, which can be found at:

JUL 08 2015

REGULATORY BRANCH

SUBJECT: Permit Application File Number NAN-2015-00745-EYR by William Stubelek for one-time dredging of Ponquogue Marina entranceway at Shinnecock Bay, Town of Southampton, Suffolk County, New York.

<http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl08-02.pdf>

9. This verification is valid until March 17, 2017, unless the nationwide general permits are modified, reissued, or revoked before then. This verification will remain valid until March 17, 2017, if the subject work activity complies with the terms of any subsequent modifications of the nationwide general permits. If the nationwide general permits are suspended, revoked, or modified in such a way that the subject activity would no longer comply with the terms and conditions of a nationwide general permit, and the proposed work activity has commenced, or is under contract to commence, the permittee will have twelve (12) months from the date of such permit action to complete the regulated work.

10. In order for us to better serve you and others, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

11. Any inquires should be directed to Robert Youhas at 917-790-8715. Please be sure to have the above eighteen-character file number readily available when you call.

Sincerely,

Stephan A. Ryba
Chief, Eastern Section

Encls

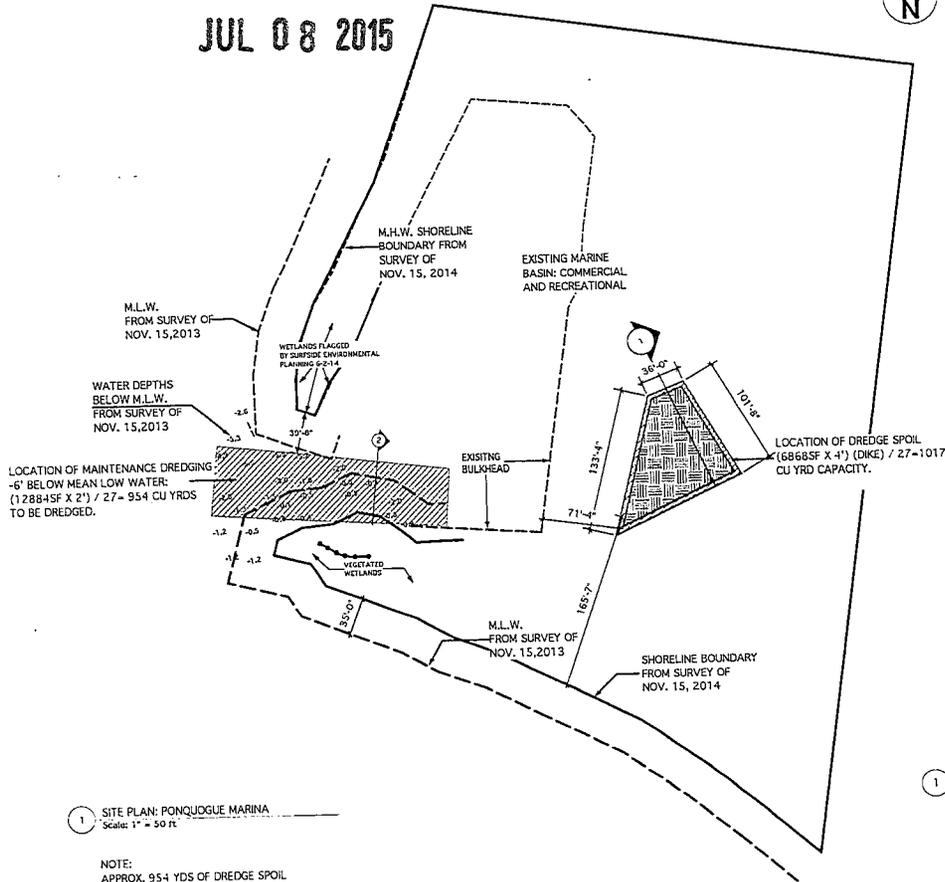
1. Dated Permit Drwgs
2. Completion Form

CF:

Edward A. Batcheller LLC
Attn: Edward Batcheller
7 Jagger Lane
Westhampton, New York 11977

NAN-2015-00745-EYR

JUL 08 2015

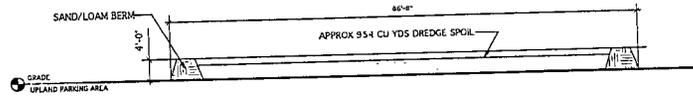


1 SITE PLAN: PONQUOGUE MARINA
Scale: 1" = 50 ft

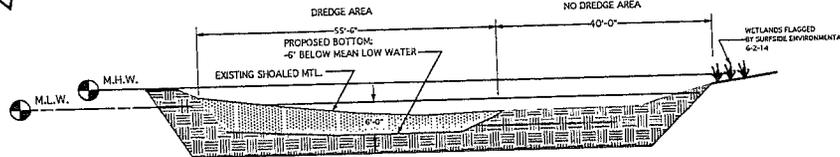
NOTE:
APPROX. 954 YDS OF DREDGE SPOIL TO BE REMOVED AND PLACED IN UPLAND AREA WITH NO RETURN TO WATERWAY. SHOAL MATERIAL CONSISTS PRIMARILY OF SAND AND SILTY CLAY.



3 LOCATION MAP
NOT TO SCALE



1 CROSS SECTION SPOILS CONTAINMENT
Scale: 1" = 10 ft



2 CROSS SECTION MARINA ENTRANCE
Scale: 1" = 10 ft

REVISIONS	DATE
Original	2 15 2014
REVISED	6 15 2014
REVISED	7 8 2014

Project: **Ponquogue Marina: MAINTENANCE DREDGING**
 86 Foster Ave
 Hargeton Boys, Inc
EDWARD A. BACHELLER, LIC. S0007
 Architectural Design & Drafting
 1 Appleton Road, Suite 101, Hargeton, NY 11743

PLAN & SECTION
 A2

NATIONWIDE GENERAL PERMIT
COMPLIANCE CERTIFICATION
AND REPORT FORM

Permit File Number: NAN-2015-00745-EYR

Permittee: William Stubelek

Location: 86 Foster Avenue, Hampton Bays, Southampton, Suffolk County, NY

Date Permit Letter Issued: JUL 08 2015

Within 30 days of the completion of the activity authorized by this nationwide general permit and any mitigation required in the verification letter, please sign this certification and return it to the address at the bottom of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the permit's terms and conditions you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced nationwide general permit has been completed in accordance with the terms and conditions of said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

FOLD THIS FORM INTO THIRDS, WITH THE BOTTOM THIRD FACING OUTWARD.
TAPE IT TOGETHER AND MAIL TO THE ADDRESS BELOW OR FAX (212) 264-4260.

PLACE
STAMP
HERE

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
ATTN: CENAN-OP-RE
NEW YORK, NEW YORK 10278

BOARD OF TRUSTEES

OF THE FREEHOLDERS & COMMONALTY
OF THE TOWN OF SOUTHAMPTON

TRUSTEES PERMIT

PERMIT NO. R1-107022 EXPIRES – One Year from 04/20/2015 - Approved

THIS PERMIT IS ISSUED FOR WORK TO BE DONE ON THESE PREMISES AS SPECIFIED IN THE PERMIT FILED IN THE TRUSTEES OFFICE, SUBJECT TO ALL CONDITIONS OF SAID PERMIT. SUCH WORK TO BE DONE IN ACCORDANCE WITH THE TERMS OF THE TOWN CODE AND THE BOARD OF TRUSTEES RULE AND REGULATION FOR THE MANAGEMENT AND PRODUCTS OF THE WATERS OF THE TOWN OF SOUTHAMPTON.

AGENT: No Agent

OWNER: 86 Foster ave LLC

LOCATION: 86 FOSTER AVE HAMPTON BAYS NY 11946

BODY OF WATER: Shinnecock Bay

SCTM# 900-374-2-3.1

PROJECT: to maintenance dredge approximately 800 c.y. work to be done inside of owner's man made basin. No work to be done in Public waters or Town bottom. As per plans submitted with the original application.

***NO CHEMICALLY TREATED WOOD OR PRESERVATIVE MAY
BE USED ON THIS STRUCTURE.***

THIS PERMIT MUST BE KEPT IN A CONSPICUOUS PLACE ON THE PREMISES FOR WHICH IT IS ISSUED.

**CONTRACTORS MUST READ
PERMIT SPECIFICATIONS
BEFORE BEGINNING ANY WORK**

BY ORDER OF THE BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF SOUTHAMPTON, NY
Eric Shultz, President
Edward Warner Jr., Secretary

SPECIAL CONDITIONS APPLY

WARNING

This Trustees Permit Card must be displayed at all times while the project is under construction.

TOWN OF SOUTHAMPTON

Department of Land Management
Planning Division
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968



KYLE P. COLLINS
TOWN PLANNING AND
DEVELOPMENT ADMINISTRATOR

Phone: (631) 287-5735
Fax: (631) 287-5706

SUPERVISOR
ANNA THRONE-HOLST

August 10, 2015

VIA EMAIL/MAIL

William Stubelek
Ponquogue Marine Basin, Inc.
86 Foster Avenue
Hampton Bays, NY 11946

Re: Ponquogue Marine Basin, Inc. – Maintenance Dredging
SCTM # 900-374-2-3.1

Dear Mr. Stubelek:

Per your request, the Town of Southampton has reviewed the activity covered under Trustees Permit #10722 which includes the following: "To maintenance dredge approximately 800 c.y. work to be done inside owner's man made basin. No work to be done in Public waters or Town bottom."

Based upon the description of the above activity, no further permits are required from the Town of Southampton.

Any questions, please do not hesitate to contact this office.

A handwritten signature in black ink, appearing to read "K.P. Collins", is written over a horizontal line.

Kyle P. Collins, AICP
Town Planning and Development Administrator

Replace/ Repair Bulkhead Permits

Bulkhead repair/replacement falls under the USACE NWP #3 and no pre-construction notification is necessary.



[New Search](#) Or use the browser back button to get to previous page

DEC Permit Application Detail

?	Application ID:	1-4736-02060/00012
?	Facility:	Ponquogue Marina
?	Location:	86 Foster Ave, Hampton Bays, NY 11946
?	Town or City:	Southampton
?	Applicant:	Ponquogue Marine Basin Inc
?	Permit Type:	Tidal Wetlands
?	Application Type:	New
?	Date Received:	12/24/2014
?	Status:	Issued as of 02/05/2015
?	Complete Status:	Complete as of 02/05/2015
?	UPA Class:	Minor
?	Short Description:	Finish R/R BH & backfill began under Sandy GP.
?	ENB Publication Date:	
?	Written Comments Due:	
?	SEQR Class:	Type II Action
?	SEQR Determination:	Not Applicable
?	Lead Agency:	None Designated
?	Environmental Justice:	The application is not subject to the Department's Environmental Justice policy (CP-29). Either the permits needed for the project are not subject to the policy or it has been determined that the project would not affect a Potential Environmental Justice Area.
?	SHPA Status:	The proposed activity is not subject to review in accordance with SHPA. The permit type is exempt or the activity is being reviewed in accordance with federal historic preservation regulations.
?	Coastal Zone Status:	This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act.
?	Final Disposition:	Issued as of 02/05/2015
?	Permit Effective Date:	02/05/2015
?	Permit Expiration Date:	02/04/2020
	Stimulus Project:	No
	Other Known IDs:	None
	DEC Contact:	Eugene R Zamojcin SUNY @ Stony BROOK 50 Circle Rd, Stony Brook, NY 11790 Tel:(631)444-0365



New Search

Or use the browser back button to get to previous page

DEC Permit Application Detail

?	Application ID:	1-4736-02060/00013
?	Facility:	Ponquogue Marina
?	Location:	86 Foster Ave, Hampton Bays, NY 11946
?	Town or City:	Southampton
?	Applicant:	Ponquogue Marine Basin Inc
?	Permit Type:	Water Quality Certification
?	Application Type:	New
?	Date Received:	12/24/2014
?	Status:	Issued as of 02/05/2015
?	Complete Status:	Complete as of 02/05/2015
?	UPA Class:	Minor
?	Short Description:	Finish R/R BH & backfill began under Sandy GP.
?	ENB Publication Date:	
?	Written Comments Due:	
?	SEQR Class:	Type II Action
?	SEQR Determination:	Not Applicable
?	Lead Agency:	None Designated
?	Environmental Justice:	The application is not subject to the Department's Environmental Justice policy (CP-29). Either the permits needed for the project are not subject to the policy or it has been determined that the project would not affect a Potential Environmental Justice Area.
?	SHPA Status:	The proposed activity is not subject to review in accordance with SHPA. The permit type is exempt or the activity is being reviewed in accordance with federal historic preservation regulations.
?	Coastal Zone Status:	This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act.
?	Final Disposition:	Issued as of 02/05/2015
?	Permit Effective Date:	02/05/2015
?	Permit Expiration Date:	02/04/2020
	Stimulus Project:	No
	Other Known IDs:	None
	DEC Contact:	Eugene R Zamojcin SUNY @ Stony BROOK 50 Circle Rd, Stony Brook, NY 11790 Tel:(631)444-0365



[New Search](#) Or use the browser back button to get to previous page

DEC Permit Application Detail

?	Application ID:	1-4736-02060/00014
?	Facility:	Ponquogue Marina
?	Location:	86 Foster Ave, Hampton Bays, NY 11946
?	Town or City:	Southampton
?	Applicant:	Ponquogue Marine Basin Inc
?	Permit Type:	Excavation & Fill in Navigable Waters
?	Application Type:	New
?	Date Received:	12/24/2014
?	Status:	Issued as of 02/05/2015
?	Complete Status:	Complete as of 02/05/2015
?	UPA Class:	Minor
?	Short Description:	Finish R/R BH & backfill began under Sandy GP.
?	ENB Publication Date:	
?	Written Comments Due:	
?	SEQR Class:	Type II Action
?	SEQR Determination:	Not Applicable
?	Lead Agency:	None Designated
?	Environmental Justice:	The application is not subject to the Department's Environmental Justice policy (CP-29). Either the permits needed for the project are not subject to the policy or it has been determined that the project would not affect a Potential Environmental Justice Area.
?	SHPA Status:	The proposed activity is not subject to review in accordance with SHPA. The permit type is exempt or the activity is being reviewed in accordance with federal historic preservation regulations.
?	Coastal Zone Status:	This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act.
?	Final Disposition:	Issued as of 02/05/2015
?	Permit Effective Date:	02/05/2015
?	Permit Expiration Date:	02/04/2020
	Stimulus Project:	No
	Other Known IDs:	None
	DEC Contact:	Eugene R Zamojcin SUNY @ Stony BROOK 50 Circle Rd, Stony Brook, NY 11790 Tel:(631)444-0365

BOARD OF TRUSTEES

OF THE FREEHOLDERS & COMMONALTY
OF THE TOWN OF SOUTHAMPTON

TRUSTEES PERMIT

PERMIT NO. 10803 EXPIRES – One Year from 08/18/2014 - Approved

THIS PERMIT IS ISSUED FOR WORK TO BE DONE ON THESE PREMISES AS SPECIFIED IN THE PERMIT FILED IN THE TRUSTEES OFFICE, SUBJECT TO ALL CONDITIONS OF SAID PERMIT. SUCH WORK TO BE DONE IN ACCORDANCE WITH THE TERMS OF THE TOWN CODE AND THE BOARD OF TRUSTEES RULE AND REGULATION FOR THE MANAGEMENT AND PRODUCTS OF THE WATERS OF THE TOWN OF SOUTHAMPTON.

AGENT: No Agent

OWNER: 86 Foster LLC/Tunguogue Marine Basin Inc

LOCATION: 86 FOSTER AVE HAMPTON BAYS NY 11946

BODY OF WATER: Fosters Creek

SCTM# 900-374-2-3.1

PROJECT: to reconstruct 40' bulkhead and 10' bulkhead (in kind/in place) using vinyl sheathing. To construct a 20' return at south end of bulkhead and a 45' return at the north end of bulkhead as per drawing. All new bulkhead will be same height as the existing.

NO CHEMICALLY TREATED WOOD OR PRESERVATIVE MAY BE USED ON THIS STRUCTURE.

THIS PERMIT MUST BE KEPT IN A CONSPICUOUS PLACE ON THE PREMISES FOR WHICH IT IS ISSUED.

CONTRACTORS MUST READ
PERMIT SPECIFICATIONS
BEFORE BEGINNING ANY WORK

BY ORDER OF THE BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF SOUTHAMPTON, NY
Eric Shoffe, President
Edward Warner Jr., Secretary

SPECIAL CONDITIONS APPLY

WARNING

This Trustees Permit Card must be displayed at all times while the project is under construction.

BOARD OF TRUSTEES

OF THE FREEHOLDERS & COMMONALTY
OF THE TOWN OF SOUTHAMPTON

TRUSTEES PERMIT

PERMIT NO. R1-10803 EXPIRES – One Year from 08/03/2015 - Approved - Renew

THIS PERMIT IS ISSUED FOR WORK TO BE DONE ON THESE PREMISES AS SPECIFIED IN THE PERMIT FILED IN THE TRUSTEES OFFICE, SUBJECT TO ALL CONDITIONS OF SAID PERMIT. SUCH WORK TO BE DONE IN ACCORDANCE WITH THE TERMS OF THE TOWN CODE AND THE BOARD OF TRUSTEES RULE AND REGULATION FOR THE MANAGEMENT AND PRODUCTS OF THE WATERS OF THE TOWN OF SOUTHAMPTON.

AGENT: No Agent

OWNER: 86 Foster LLC/Ponquogue Marine Basin Inc

LOCATION: 86 FOSTER AVE HAMPTON BAYS NY 11946

BODY OF WATER: Fosters Creek

SCTM# 900-374-2-3.1

PROJECT: to renew permit 10803 for one year, to reconstruct 40' bulkhead and 10' bulkhead (in kind/in place) using vinyl sheathing. To construct a 20' return at south end of bulkhead and a 45' return at the north end of bulkhead as per drawing. All new bulkhead will be same height as the existing.

NO CHEMICALLY TREATED WOOD OR PRESERVATIVE MAY BE USED ON THIS STRUCTURE.

THIS PERMIT MUST BE KEPT IN A CONSPICUOUS PLACE ON THE PREMISES FOR WHICH IT IS ISSUED.

**CONTRACTORS MUST READ
PERMIT SPECIFICATIONS
BEFORE BEGINNING ANY WORK**

BY ORDER OF THE BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF SOUTHAMPTON, NY
Eric Shultz, President
Edward Warner Jr., Secretary

SPECIAL CONDITIONS APPLY

WARNING

This Trustees Permit Card must be displayed at all times while the project is under construction.

TOWN OF SOUTHAMPTON

Department of Land Management
Planning Division
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968



KYLE P. COLLINS
TOWN PLANNING AND
DEVELOPMENT ADMINISTRATOR

Phone: (631) 287-5735
Fax: (631) 287-5706

SUPERVISOR
ANNA THRONE-HOLST

July 31, 2015

VIA EMAIL/MAIL

William Stubelek
Ponquogue Marine Basin, Inc.
86 Foster Avenue
Hampton Bays, NY 11946

Re: Ponquogue Marine Basin, Inc. – Reconstruct Bulkhead
SCTM # 900-374-2-3.1

Dear Mr. Stubelek:

Per your request, the Town of Southampton has reviewed the activity covered under Trustees Permit # 10803 which includes the following: “to reconstruct 40’ bulkhead and 10’ bulkhead (in kind/in place) using vinyl sheathing. To construct a 20’ return at south end of bulkhead and a 45’ return at the north end of bulkhead as per drawing. All new bulkhead will be the same height as the existing.”

Based upon the description of the above activity, no further permits are required from the Town of Southampton.

Any questions, please do not hesitate to contact this office.

Kyle P. Collins, AICP
Town Planning and Development Administrator

Mean High Wave Wall Permits

Pending NYSDEC permits.

Pending USACE permits.

NYSDEC and USACE permit applications are expected to be filed on or about 8/17/2015

BOARD OF TRUSTEES

OF THE FREEHOLDERS & COMMONALTY
OF THE TOWN OF SOUTHAMPTON

TRUSTEES PERMIT

PERMIT NO. 10879 EXPIRES – One Year from 03/06/2015 - Approved

THIS PERMIT IS ISSUED FOR WORK TO BE DONE ON THESE PREMISES AS SPECIFIED IN THE PERMIT FILED IN THE TRUSTEES OFFICE, SUBJECT TO ALL CONDITIONS OF SAID PERMIT. SUCH WORK TO BE DONE IN ACCORDANCE WITH THE TERMS OF THE TOWN CODE AND THE BOARD OF TRUSTEES RULE AND REGULATION FOR THE MANAGEMENT AND PRODUCTS OF THE WATERS OF THE TOWN OF SOUTHAMPTON.

AGENT: William Stubelek

OWNER: Ponquogue Marine Basin Inc.

LOCATION: 86 FOSTER AVE HAMPTON BAYS NY 11946

BODY OF WATER: Shinnecock Bay

SCTM# 900-374-2-3.1

PROJECT: to extend westward bulkhead 150' and raised 1'. To construct a 50' return to south (seaward).

NO CHEMICALLY TREATED WOOD OR PRESERVATIVE MAY BE USED ON THIS STRUCTURE.

THIS PERMIT MUST BE KEPT IN A CONSPICUOUS PLACE ON THE PREMISES FOR WHICH IT IS ISSUED.

**CONTRACTORS MUST READ
PERMIT SPECIFICATIONS
BEFORE BEGINNING ANY WORK**

BY ORDER OF THE BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF SOUTHAMPTON, NY
Eric Shultz, President
Edward Warner Jr., Secretary

SPECIAL CONDITIONS APPLY

WARNING

This Trustees Permit Card must be displayed at all times while the project is under construction.

TOWN OF SOUTHAMPTON

Department of Land Management
Planning Division
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968



KYLE P. COLLINS
TOWN PLANNING AND
DEVELOPMENT ADMINISTRATOR

Phone: (631) 287-5735
Fax: (631) 287-5706

SUPERVISOR
ANNA THRONE-HOLST

July 31, 2015

VIA EMAIL/MAIL

William Stubelek
Ponquogue Marine Basin, Inc.
86 Foster Avenue
Hampton Bays, NY 11946

Re: Ponquogue Marine Basin, Inc. – Extend Bulkhead/Construct Return
SCTM # 900-374-2-3.1

Dear Mr. Stubelek:

Per your request, the Town of Southampton has reviewed the activity covered under Trustees Permit # 10879 which includes the following: “To extend westward bulkhead 150’ and raised 1’. To construct a 50’ return to south (seaward).”

Based upon the description of the above activity, no further permits are required from the Town of Southampton.

Any questions, please do not hesitate to contact this office.

Kyle P. Collins, AICP
Town Planning and Development Administrator

Attachment 4
NOAA Email
Correspondence

From: Jennifer Goebel - NOAA Affiliate [<mailto:jennifer.goebel@noaa.gov>]
Sent: Wednesday, May 20, 2015 10:28 AM
To: Greene, Daniel (STORMRECOVERY)
Subject: Re: FW: NOAA/NMFs

[↑ Next](#) [↕ Last](#)

Hi Daniel,

Are they using a mechanical bucket dredge? I would guess so, just want to confirm. Where is the dredge material going?

Also, I am still curious as to how they are putting this wall in... it's definitely going in the water, so are they using turbidity curtains to block off the area, or anything? And how is the wall being installed? I'm not familiar with what kind of equipment or practices are used for this kind of work.

Sea turtles will be in the area from May through November, and Atlantic sturgeon may be in the area all year round, so ESA-listed species may be in the action area of this project.

We cannot agree with a "no effect" determination, as your May 1 letter requests. However, the decision to make a "no effect" determination is your agency's call, not ours. If you make a "no effect" determination, then you do not need to consult with us.

Since dredging is part of this action, we would recommend consultation. I am attaching, for your reference, a recent letter of concurrence that an action was "not likely to adversely affect ESA-listed species" in the same area. This action used a cutterhead dredge, not a mechanical dredge, but many of the other stressors would be same for our species.

Additional information we would need to do a Section 7 consultation would be a complete project description, including materials, equipment used, and duration of the project and time of year it is expected to occur. The letter you sent on May 1 does request consultation under Section 7, so we can use that as your official request, if you decide to consult with us.

Please let me know if I can provide any other information.

Thanks,

On Wed, May 20, 2015 at 10:00 AM, Greene, Daniel (STORMRECOVERY) <Daniel.Greene@stormrecovery.ny.gov> wrote:

Jennifer –

Here is some additional information regarding the Ponquogue project. Please call me if you have any additional questions or require further information.

- Is there any dredging that is part of the proposal? If so, how many cubic yards and where? There is proposed dredging within the marina basin as shown on the Aerial image that was provided with the NFMS letter (reattached here). Dredging will be done to the extent of creating a channel depth of 6' at mean low water (approximately 800 cubic yards per the Board of Trustees permit, image attached to this email).

- Is the wall being installed below the mean low water mark? Can you create a map showing where the wall is in relation to the mean low water line? The wall will be installed approximately 12 feet deep into the Shinnecock Bay bottom and the top of the wall will be 2' 6" above mean high water (see attached Navy Wall Plans).

Daniel Greene

Deputy General Counsel

New York State Governor's Office of Storm Recovery

25 Beaver Street

New York, NY 10004

[\(212\)480-4644](tel:(212)480-4644)

Daniel.Greene@stormrecovery.ny.gov

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> > > >

Jennifer S. Goebel
Public Affairs: 978-281-9175 (cell 617-335-4301)
Protected Resources Division: 978-281-9373

Greater Atlantic Regional Fisheries Office
NOAA Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Attachment 5

Summary of Proposed Work

Proposed Bulkhead Reconstruction and Repair



New York State Small Business Recovery Program Future Construction Estimate Form

Instructions:

- All Applicants requesting future construction work must complete this form.
- Applicants must complete sections 1 and 10.
- Contractor(s) must complete sections 2-9. Only items applicable to the scope of the project should be included, do not include other non-construction activities.

1. Applicant Information	
Applicant Name:	William Stubelek
Applicant Business:	Ponquogue Marine Basin Inc.
Applicant ID#:	
Property Address: (Work Performed)	86 Foster Ave Hampton Bays NY 11946
Applicant Phone:	516 790 4592 cell
Applicant E-Mail:	Wstubelek@optonline.net
Type of Project:	<input checked="" type="checkbox"/> Repair <input type="checkbox"/> Mitigation <input type="checkbox"/> Both
Are you self-performing or utilizing own employees to complete all of the work?	
<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	
If yes, applicants must complete all sections and also attach the Self-Performing Labor Form.	
2. Contractor Information	
Contractor Name:	
Contractor Address:	
Contractor Phone:	
Contractor E-Mail:	
Type of Project:	<input checked="" type="checkbox"/> Repair <input type="checkbox"/> Mitigation <input type="checkbox"/> Both
3. Required Attachments	
<input type="checkbox"/> Introductory Statement (From Exhibit D, Supplementary Conditions for Contracts) <input type="checkbox"/> Department of Labor Wage Decision* <input type="checkbox"/> Project Wage Rate Sheet** <input type="checkbox"/> HUD-4010, Federal Standards Labor Provisions***	
<small>*Wage rates attached will be the wage rates used for the project; Labor Wage Rate Sheets can be found at: http://www.wdol.gov/dba.aspx</small>	
<small>**Wage rates must be no less than the subject property's county or federal wage rates, whichever is higher.</small>	
<small>***Federal Standards Labor Provisions must be complied with and attached to this form. HUD-4010 can be found at: http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12586.pdf</small>	

4. Scope of Work

Provide a detailed narrative describing the Scope of Work for the project being assisted with NY Rising funds. Include type of work, locations, materials required, labor required, and any other pertinent information. If the project is to mitigate future storm damages, clearly describe how the project will prevent future damages. Attach additional pages if necessary.

Repair Bulkhead "IN Kind/IN Place". ~~Re~~
Re Sheath with Corrugated PVC sheathing. Sheathing to be Installed by Water Jet system. Water Jet is concentrated, target application that is the lowest impact for the environment. It is a standard method for Bulkheading with the least amount of disturbance.
Turbidity Curtains to be installed to control turbidity. Materials were purchased prior to grant application, work was not completed, pending environmental review by NY Rising.

5. Estimated Project Duration and/or Timeline

Note total estimated project duration, estimated duration for each critical task and any anticipated hurdles that may delay work progress.

1 Month start to Finish. Some work can only be done at Low tide. Weather Permitting

8. Additional Applicable Attachments

For each item below, note if the item is applicable. If the item does apply, provide a copy of all related documentation.

Plans and/or Specifications

- Included
- Will be provided at a later date
- Not applicable

Environmental Permits

- Included
- Will be provided at a later date
- Not applicable

Building Permits

- Included
- Will be provided at a later date
- Not applicable

Other:

- Included
- Will be provided at a later date
- Not applicable

Comments: Material is Already purchased. All permits complete.
Waiting for approval by NY Rising.

9. Contractor Signature

I, _____, affirm that the proposed work presented herein will be completed to conform to applicable Davis-Bacon and Related Acts reporting requirements, including Federal Standards Labor Provisions, HUD-4010. In addition, the work will comply with State Building Code and all locally adopted and approved building codes, standards, and ordinances as well as the Uniform Fire Prevention and Building Code based on the 2006 International Codes. Furthermore, the reconstruction and/or new construction will comply with applicable Americans with Disabilities Act requirements, as applicable.

I attest that to the best of my knowledge and belief, all statements in this estimate form, including all attachments or supplementation information provided with this form, are true, accurate and complete. I understand that the submission of inaccurate or fraudulent information may be grounds for denial or recapture of any assistance to be provided under this program, and may be punishable by criminal, civil or administrative penalties.

Signature

Date

10. Applicant Signature

I, William Stabeluk, have reviewed the information completed on the Future Construction Estimate form above and confirm the work is required to repair damage incurred from Hurricane Sandy, Hurricane Irene, and/or Tropical Storm Lee, or to mitigate damages from future storms. In addition, I will provide as requested proof of funds for all project costs above and beyond those being reimbursed through grant assistance.

I attest that to the best of my knowledge and belief, all statements in this estimate form, including all attachments or supplementation information provided with this form, are true, accurate and complete. I understand that the submission of inaccurate or fraudulent information may be grounds for denial or recapture of any assistance to be provided under this program, and may be punishable by criminal, civil or administrative penalties.

William Stabeluk
Signature

8/17/15
Date

Proposed Wave Wall.



New York State Small Business Recovery Program
Future Construction Estimate Form

Instructions:

- All Applicants requesting future construction work must complete this form.
- Applicants must complete sections 1 and 10.
- Contractor(s) must complete sections 2-9. Only items applicable to the scope of the project should be included, do not include other non-construction activities.

1. Applicant Information	
Applicant Name:	William Stubelek
Applicant Business:	Ponguogue Marine Basin Inc.
Applicant ID#:	
Property Address: (Work Performed)	86 Foster Ave Hampton Bays NY 11946
Applicant Phone:	(516) 7904592 cell
Applicant E-Mail:	WStubelek@optonline.NET
Type of Project:	<input type="checkbox"/> Repair <input checked="" type="checkbox"/> Mitigation <input type="checkbox"/> Both
Are you self-performing or utilizing own employees to complete all of the work? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES ? T.B.D	
If yes, applicants must complete all sections and also attach the Self-Performing Labor Form.	
2. Contractor Information	
Contractor Name:	To be Determined
Contractor Address:	
Contractor Phone:	
Contractor E-Mail:	
Type of Project:	<input type="checkbox"/> Repair <input checked="" type="checkbox"/> Mitigation <input type="checkbox"/> Both

3. Required Attachments
<input type="checkbox"/> Introductory Statement (From Exhibit D, Supplementary Conditions for Contracts)
<input type="checkbox"/> Department of Labor Wage Decision*
<input type="checkbox"/> Project Wage Rate Sheet**
<input type="checkbox"/> HUD-4010, Federal Standards Labor Provisions***
<small>*Wage rates attached will be the wage rates used for the project; Labor Wage Rate Sheets can be found at: http://www.wdol.gov/dba.aspx</small>
<small>**Wage rates must be no less than the subject property's county or federal wage rates, whichever is higher.</small>
<small>***Federal Standards Labor Provisions must be complied with and attached to this form. HUD-4010 can be found at: http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12586.pdf</small>

4. Scope of Work

Provide a detailed narrative describing the Scope of Work for the project being assisted with NY Rising funds. Include type of work, locations, materials required, labor required, and any other pertinent information. If the project is to mitigate future storm damages, clearly describe how the project will prevent future damages. Attach additional pages if necessary.

Extend existing Bulkhead 150' westward AND construct a Return of 50' to the south (seaward). New Bulkhead (Wave wall) to be raised 1' in elevation ABOVE existing Bulkhead. New Bulkhead to be built "NAVY WALL" style AND to act AS "WAVE WALL" to protect Marina AND Surrounding adjoining Neighbors during storms from surge waves, WAVE WALL to be made from Non-treated tropical Hardwood for Whalers AND pilings AND Non-treated PVC corrugated sheathing. WAVE WALL to be built mostly from barge on water using "Waterjet" to install pilings AND sheathing. Waterjet is low impact AND concentrated for the minimal amount of disturbance to environment. Turbidity curtains to be installed in water to control turbidity. Any disturbance to vegetation will be revegetated. WALL is meant to minimize AND deflect waves AND storm surge, allowing protection to Marina, vessels, AND Neighbors.

5. Estimated Project Duration and/or Timeline

Note total estimated project duration, estimated duration for each critical task and any anticipated hurdles that may delay work progress.

2-3 months weather permitting, Severe winter weather will delay work capabilities.

8. Additional Applicable Attachments

For each item below, note if the item is applicable. If the item does apply, provide a copy of all related documentation.

Plans and/or Specifications

- Included
- Will be provided at a later date
- Not applicable

Environmental Permits

- Included
- Will be provided at a later date
- Not applicable

Building Permits

- Included
- Will be provided at a later date
- Not applicable

Other:

- Included
- Will be provided at a later date
- Not applicable

Comments:

9. Contractor Signature

I, _____, affirm that the proposed work presented herein will be completed to conform to applicable Davis-Bacon and Related Acts reporting requirements, including Federal Standards Labor Provisions, HUD-4010. In addition, the work will comply with State Building Code and all locally adopted and approved building codes, standards, and ordinances as well as the Uniform Fire Prevention and Building Code based on the 2006 International Codes. Furthermore, the reconstruction and/or new construction will comply with applicable Americans with Disabilities Act requirements, as applicable.

I attest that to the best of my knowledge and belief, all statements in this estimate form, including all attachments or supplementation information provided with this form, are true, accurate and complete. I understand that the submission of inaccurate or fraudulent information may be grounds for denial or recapture of any assistance to be provided under this program, and may be punishable by criminal, civil or administrative penalties.

Signature

Date

10. Applicant Signature

I, William Stubelek, have reviewed the information completed on the Future Construction Estimate form above and confirm the work is required to repair damage incurred from Hurricane Sandy, Hurricane Irene, and/or Tropical Storm Lee, or to mitigate damages from future storms. In addition, I will provide as requested proof of funds for all project costs above and beyond those being reimbursed through grant assistance.

I attest that to the best of my knowledge and belief, all statements in this estimate form, including all attachments or supplementation information provided with this form, are true, accurate and complete. I understand that the submission of inaccurate or fraudulent information may be grounds for denial or recapture of any assistance to be provided under this program, and may be punishable by criminal, civil or administrative penalties.

Signature

Date

Proposed Dredging



New York State Small Business Recovery Program Future Construction Estimate Form

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- Contractor(s) must complete sections 2-9. Only items applicable to the scope of the project should be included, do not include other non-construction activities.

1. Applicant Information	
Applicant Name:	William Stubelek
Applicant Business:	Pongogue Marine Basin Inc.
Applicant ID#:	
Property Address: (Work Performed)	86 Foster Ave Hampton Bays NY 11946
Applicant Phone:	516 790 4592 cell
Applicant E-Mail:	WStubelek@optonline.net
Type of Project:	<input checked="" type="checkbox"/> Repair <input type="checkbox"/> Mitigation <input type="checkbox"/> Both
Are you self-performing or utilizing own employees to complete all of the work?	
<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	
If yes, applicants must complete all sections and also attach the Self-Performing Labor Form.	
2. Contractor Information	
Contractor Name:	East Island Site Development Co., Inc.
Contractor Address:	P.O. Box 2183 Riverhead NY 11901
Contractor Phone:	N/A
Contractor E-Mail:	N/A
Type of Project:	<input checked="" type="checkbox"/> Repair <input type="checkbox"/> Mitigation <input type="checkbox"/> Both
3. Required Attachments	
<input type="checkbox"/> Introductory Statement (From Exhibit D, Supplementary Conditions for Contracts)	
<input type="checkbox"/> Department of Labor Wage Decision*	
<input type="checkbox"/> Project Wage Rate Sheet**	
<input type="checkbox"/> HUD-4010, Federal Standards Labor Provisions***	
<small>*Wage rates attached will be the wage rates used for the project; Labor Wage Rate Sheets can be found at: http://www.wdol.gov/dba.aspx</small>	
<small>**Wage rates must be no less than the subject property's county or federal wage rates, whichever is higher.</small>	
<small>***Federal Standards Labor Provisions must be complied with and attached to this form. HUD-4010 can be found at: http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12586.pdf</small>	

4. Scope of Work

Provide a detailed narrative describing the Scope of Work for the project being assisted with NY Rising funds. Include type of work, locations, materials required, labor required, and any other pertinent information. If the project is to mitigate future storm damages, clearly describe how the project will prevent future damages. Attach additional pages if necessary.

Maintenance Dredge Approx 900 cu. yds of shoaling
From ~~Customers~~ Man Made Boat Basin Entrance,
Applicants

Material to be dredged from mouth of Boat Basin w/
Closed bucket Long Reach Excavator. Material to be
disposed of in pre-Approved diked disposal site. Material
to be truck across upland portion of property w/ Dump
truck AND Payloader AND deposited in spoil site. Hay Bales
AND Filter Cloth to be constructed around excavating site
to control water run-off AND turbidity curtains to be
installed around dredge area, in the water, to control turbidity.
All dredging to be done in NYSDEC established dredge
season. Dredging to be done to remove shoaling due to
Hurricane Irene/Sandy.

5. Estimated Project Duration and/or Timeline

Note total estimated project duration, estimated duration for each critical task and any anticipated hurdles that may delay work progress.

Approx 7-10 days from start of project. Some dredging
must be done at low tide, so schedule to be based
on maximum work length time per day. Includes ~~costs~~
construction of Dike, Dredging/trucking, Removal of dikes, Grading
to original elevations.

8. Additional Applicable Attachments

For each item below, note if the item is applicable. If the item does apply, provide a copy of all related documentation.

Plans and/or Specifications

- Included
- Will be provided at a later date
- Not applicable

Environmental Permits

- Included
- Will be provided at a later date
- Not applicable

Building Permits

- Included
- Will be provided at a later date
- Not applicable

Other:

- Included
- Will be provided at a later date
- Not applicable

Comments:

9. Contractor Signature

I, _____, affirm that the proposed work presented herein will be completed to conform to applicable Davis-Bacon and Related Acts reporting requirements, including Federal Standards Labor Provisions, HUD-4010. In addition, the work will comply with State Building Code and all locally adopted and approved building codes, standards, and ordinances as well as the Uniform Fire Prevention and Building Code based on the 2006 International Codes. Furthermore, the reconstruction and/or new construction will comply with applicable Americans with Disabilities Act requirements, as applicable.

I attest that to the best of my knowledge and belief, all statements in this estimate form, including all attachments or supplementation information provided with this form, are true, accurate and complete. I understand that the submission of inaccurate or fraudulent information may be grounds for denial or recapture of any assistance to be provided under this program, and may be punishable by criminal, civil or administrative penalties.

Signature

Date

10. Applicant Signature

I, William Stubelek, have reviewed the information completed on the Future Construction Estimate form above and confirm the work is required to repair damage incurred from Hurricane Sandy, Hurricane Irene, and/or Tropical Storm Lee, or to mitigate damages from future storms. In addition, I will provide as requested proof of funds for all project costs above and beyond those being reimbursed through grant assistance.

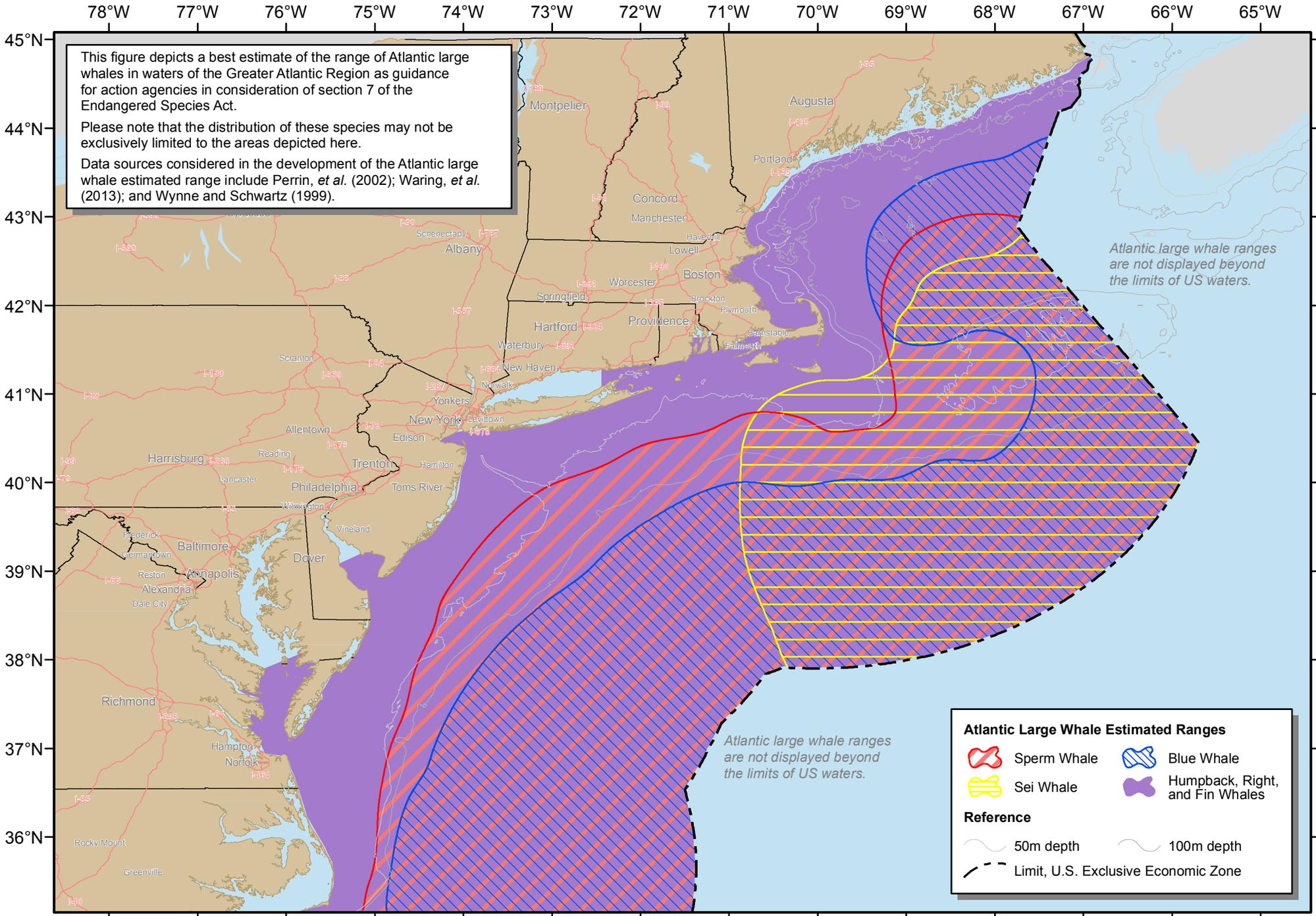
I attest that to the best of my knowledge and belief, all statements in this estimate form, including all attachments or supplementation information provided with this form, are true, accurate and complete. I understand that the submission of inaccurate or fraudulent information may be grounds for denial or recapture of any assistance to be provided under this program, and may be punishable by criminal, civil or administrative penalties.

William Stubelek Pres.
Signature

8/16/2015
Date

Attachment 6
NMFS Endangered
Species Maps

Estimated Range of Atlantic Large Whales



Estimated Range of Sea Turtles

77°W 76°W 75°W 74°W 73°W 72°W 71°W 70°W 69°W 68°W 67°W 66°W

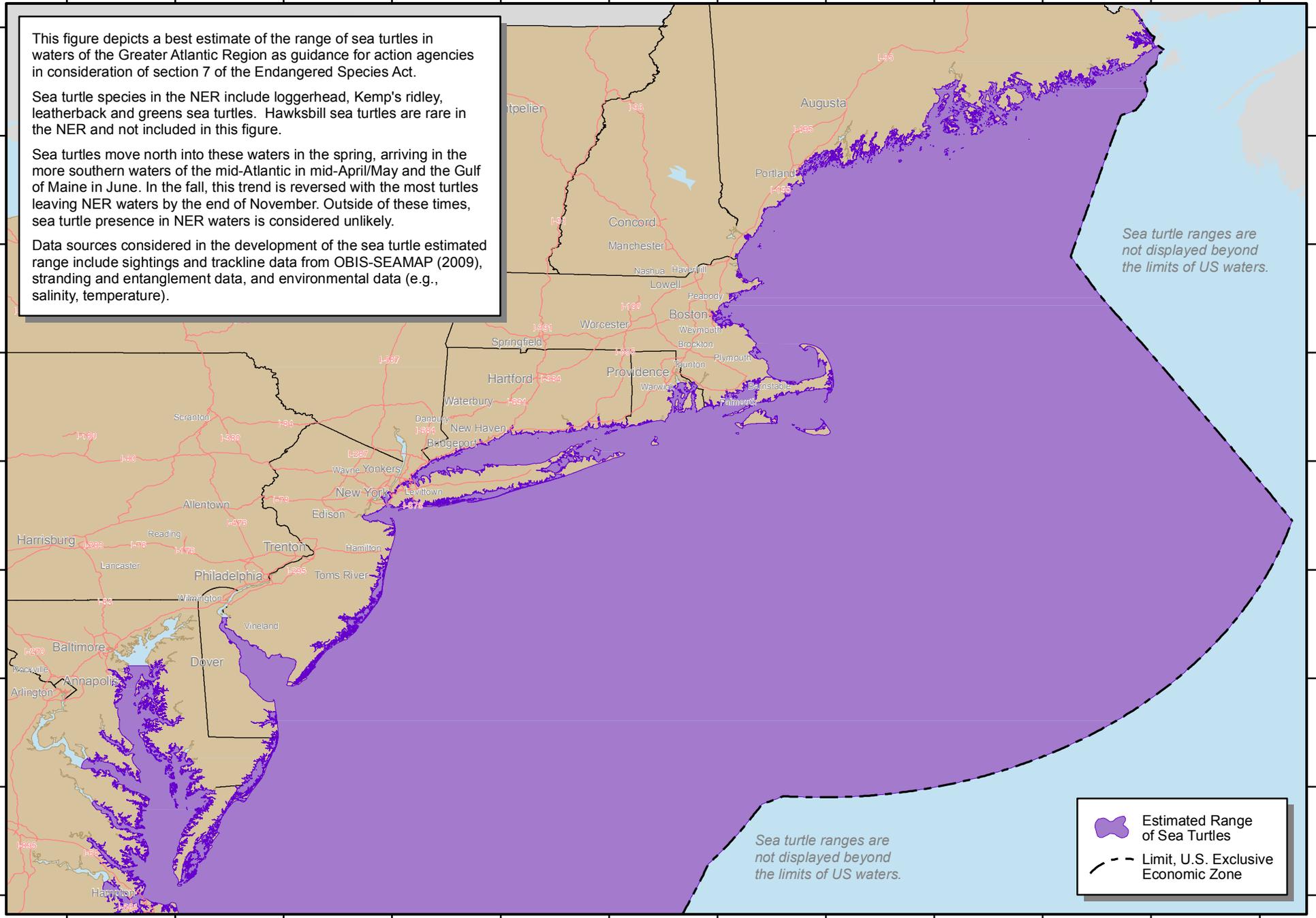
45°N
44°N
43°N
42°N
41°N
40°N
39°N
38°N
37°N

This figure depicts a best estimate of the range of sea turtles in waters of the Greater Atlantic Region as guidance for action agencies in consideration of section 7 of the Endangered Species Act.

Sea turtle species in the NER include loggerhead, Kemp's ridley, leatherback and greens sea turtles. Hawksbill sea turtles are rare in the NER and not included in this figure.

Sea turtles move north into these waters in the spring, arriving in the more southern waters of the mid-Atlantic in mid-April/May and the Gulf of Maine in June. In the fall, this trend is reversed with the most turtles leaving NER waters by the end of November. Outside of these times, sea turtle presence in NER waters is considered unlikely.

Data sources considered in the development of the sea turtle estimated range include sightings and trackline data from OBIS-SEAMAP (2009), stranding and entanglement data, and environmental data (e.g., salinity, temperature).



 Estimated Range of Sea Turtles
 Limit, U.S. Exclusive Economic Zone

Estimated Range of Atlantic Sturgeon Distinct Population Segments (DPSs)

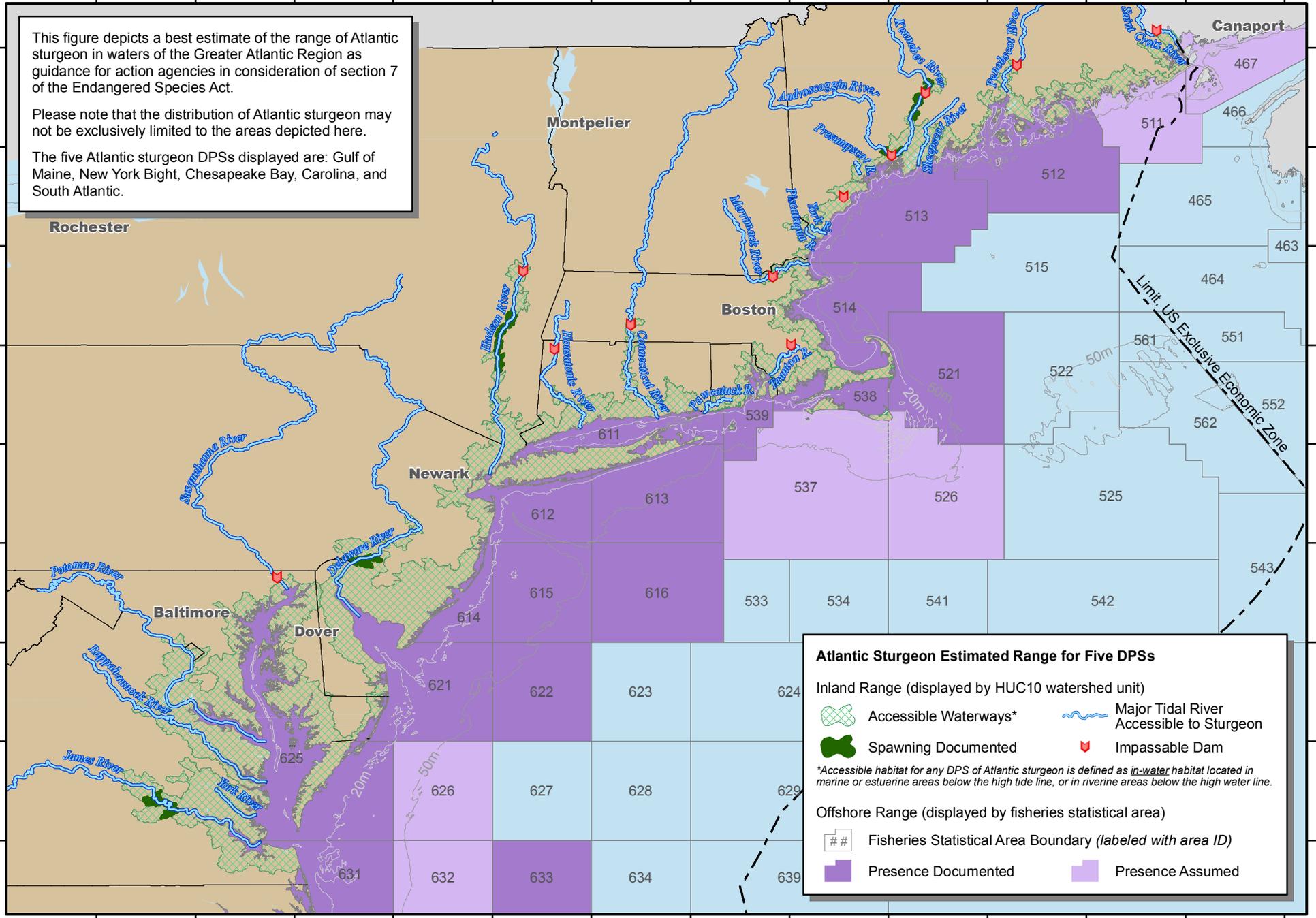
78°W 77°W 76°W 75°W 74°W 73°W 72°W 71°W 70°W 69°W 68°W 67°W 66°W

45°N
44°N
43°N
42°N
41°N
40°N
39°N
38°N
37°N

This figure depicts a best estimate of the range of Atlantic sturgeon in waters of the Greater Atlantic Region as guidance for action agencies in consideration of section 7 of the Endangered Species Act.

Please note that the distribution of Atlantic sturgeon may not be exclusively limited to the areas depicted here.

The five Atlantic sturgeon DPSs displayed are: Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, and South Atlantic.



Atlantic Sturgeon Estimated Range for Five DPSs

Inland Range (displayed by HUC10 watershed unit)

- Accessible Waterways*
- Spawning Documented

Offshore Range (displayed by fisheries statistical area)

- Fisheries Statistical Area Boundary (labeled with area ID)
- Presence Documented
- Presence Assumed

Major Tidal River Accessible to Sturgeon

Impassable Dam

*Accessible habitat for any DPS of Atlantic sturgeon is defined as in-water habitat located in marine or estuarine areas below the high tide line, or in riverine areas below the high water line.

Rochester

Montpelier

Boston

Newark

Baltimore

Dover

Canaport

Limit, US Exclusive Economic Zone

20m

50m

20m

50m

50m

20m

50m

20m

50m

20m

631

632

633

634

639

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Attachment 7
NHP and USFWS
Letters

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

June 02, 2015

Joshua Gomez
Tectonic Engineering & Surveying Consultants P.C.
PO Box 37, 70 Pleasant Hill Road
Mountainville, NY 10953

Re: Storm repair work at Ponquogue Marine Basin, 86 Foster Avenue, including wave break wall (W.O. 7463.01A)

Town/City: Southampton.

County: Suffolk.

Dear Joshua Gomez :

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities, at your site or in its immediate vicinity.

The absence of data does not necessarily mean that rare or state-listed species, significant natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources. Note that the Shinnecock Bay Significant Coastal Fish & Wildlife Habitat is in the vicinity of the project site.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage database. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

A handwritten signature in black ink that reads "Andrea Chaloux".

Andrea Chaloux
Environmental Review Specialist
New York Natural Heritage Program

Attachment 8
Photos of
Ponquogue Marine
Basin

PONQUOGUE MARINE BASIN, INC. – SITE VISIT PHOTOS



Photo 1: Facing North. Area for bulkhead repair/ replacement on northwestern corner of marina basin.

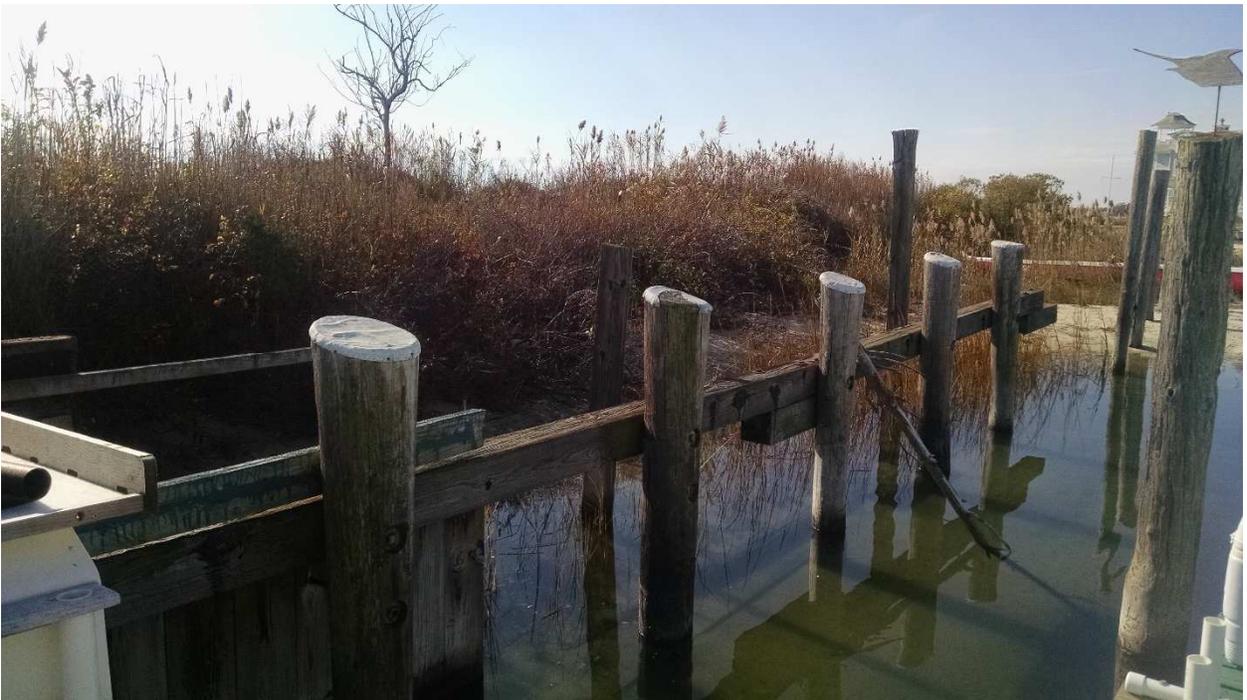


Photo 2: Facing Southwest. Bulkhead area on southern portion of basin to be replaced.



Photo 3: Facing West. Area to be dredged (this is the entrance to the marina basin from Foster Creek).



Photo 4: Facing West: toward the area where the mean high wave break wall is proposed to be built.



Photo 5: Facing Southwest: from the tip of peninsula towards the area where the mean high wave wall is proposed to be constructed. Note, the mean high wave wall will replace the brush jetty (see the pilings lined up), but will not extend as far as the current brush jetty.

Attachment 9

**Floodplain Management
(EO11988) & Protection of
Wetlands (EO11990)
Determination**

**Project 103-ED-32411-2013 EO11988 Floodplain Management &
EO11990 Protection of Wetlands Determination**
***Commercial & Economic Development Initiative within NY State Community
Development Block Grant Disaster Recovery Program***
April 2, 2015

Introduction & Overview - The purpose of Executive Order 11988, Floodplain Management, is “to avoid to the extent possible the long- and short-term adverse impacts associated with occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” This report contains the analysis prescribed by 24 CFR Part 55.

This project involves U.S. Department of Housing & Urban Development (HUD) Community Development Block Grant Program – Disaster Recovery (CDBG-DR) funding for building repair, other business infrastructure repairs, and mitigation efforts for a single business impacted by Hurricane Irene and Superstorm Sandy. The analysis that follows addresses wetland and floodplain impacts, as the activities contemplated are located in floodplain and are being processed as new construction in wetland. Based on the functionally water-dependent nature of this business and its facilities, along with other case characteristics addressed herein, it is concluded there is a reasonable basis to proceed with funding for the projects/activities within wetland and floodplain. Moreover, in the March 5, 2013 Federal Register Notice, HUD expressly recognized that “without the return of businesses and jobs to a disaster-impacted area, recovery may be impossible. Therefore, HUD strongly encourages grantees to envision economic revitalization as a cornerstone to a long-term recovery” (78 FR 14335). Thus, alternatives preventing or impeding small business recovery are not considered reasonable alternatives.

Description of Proposed Action & Land Use

Ponquogue Marine Basin, Inc. is a full-service marina and boatyard. It is located at 86 Foster Avenue, on the southern edge of the hamlet of Hampton Bays in the Town of Southampton, Suffolk County, New York. Based on Suffolk County Assessment data and the website Propertyshark.com, this commercial property is Tax Map ID 0900-374.00-02.00-003.001 and is classed as a Marina (570) on an 8.3 acre lot.

The proposed support involves a limited grant award of \$28,163.88 in reimbursed structure repair work, \$21,836.12 in proposed construction support, and \$100,000.00 for future mitigation work. The reimbursed work mainly involved above-water dock repair, as well as on-land concrete slab reinforcement and damaged asphalt repair. Proposed work involves dredging at the mouth of the marine basin where shoaling during the storms occurred, and for payment to the architect for permits and designs. Future mitigation work entails building a high wave break wall partially within the marina basin and partially within the channel (Foster Creek) connecting the marina and other neighboring properties to the Shinnecock Bay.

A previous environmental review for separate activities categorized under 24 CFR 58.35(b)(4) for this applicant was completed on June 15, 2015 and is included in the Environmental Review Record.

Applicable Regulatory Procedure Per EO 11988 and EO 11990

The proposed action corresponds with a noncritical action not excluded under 24 CFR §55.12(b) or (c). Funding is permissible for the use in the floodplain and wetland if the proposed action is processed under §55.20 and the findings of the determination are affirmative to suggest that the project may proceed.

Based on online data, including data managed by the United States Fish and Wildlife Service (USFWS) and New York State Department of Environmental Conservation (NYSDEC), plus review of digital images of various New York State tidal wetland delineations, there is direct new construction proposed in wetlands at the site. Per 24 CFR §55.2(b)(8), the proposed work for marine dredging, and the mitigation work to build a mean high wave wall, constitutes new construction; thus 11990 wetland process analysis is provided.

According to 24 CFR §55, the activity planned to repair impacted structures and infrastructure occurs in a community that is in the regular program of the National Flood Insurance Program (NFIP) and the community is currently in good standing. The total amount of damage for this project reported after Superstorm Sandy for bulkhead repair and for new mitigation work exceeds the substantial improvement threshold of 50% in 24 CFR §55.2(b)(10). Additionally, the work is considered as new construction in wetland. As such, an eight-step determination process in §55.20 applies, and this project is processed as new construction in wetland and in 100-year floodplain.

Step 1. Determine Whether the Proposed Action is Located in the 100-year Floodplain (500-year for Critical Actions) or results in New Construction in Wetlands.

The location of the proposed action is within designated NYS tidal wetland (designation intertidal marsh (IM) and littoral zone (LZ) and federal wetlands (designated estuarine, marine wetlands, and marine deep water). The location of the proposed action, per the applicable FEMA flood map FIRMette, is within the 100-year floodplain (SFHA - AE Zone). There is an established Base Flood Elevation (BFE) of nine (9) feet across the property. The site's shorelines are within a FEMA-identified Limit of Moderate Wave Action. It is supposed the action requires an individual Section 404 permit (in accordance with 55.20(a)(1)).

Step 2. Initiate Public Notice for Early Review of Proposal.

Because the proposed project is located in floodplain and wetland, the Governor's Office of Storm Recovery (GOSR) published an early notice that allowed for public and public agency input on the decision to provide funding for reconstruction and development activities. The early public notice and 15-day comment period is complete. No public comments were received.

The early notice, "Notice of Early Public Review of a Proposed Activity in 100-Year Floodplain and Wetland", and corresponding 15-day public comment period started on April 24, 2015 with notice publishing in New York Newsday newspaper (eastern addition). The 15-day comment period expired on May 9, 2015. The notice targeted local residents, including those in floodplain. The notice was also sent to the following state and federal agencies on April 24, 2015: Federal Emergency Management Agency (FEMA); USFWS; U.S. Environmental Protection Agency (EPA); U.S. Army Corps of Engineers (USACE); NYSDEC; and the New York State Office of Emergency Management. The notice was also sent to Suffolk County and the Town of Southampton. (See **Attachments 1** and **2** of this Floodplain Management EO11988 and Protection of Wetlands Determination EO11990 for the newspaper notice affidavit and the matching letter distribution to these agencies).

GOSR received one public comment on this notice, voicing support for the rebuilding of this storm impacted small business. (See **Attachment 3** of this Floodplain Management EO11988 and Protection of Wetlands Determination EO11990 for the comment received by GOSR).

Step 3. Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in a 100-year Floodplain (or 500-year Floodplain if a Critical Action) or Wetland.

The program is structured to provide eligible businesses with loan or grant assistance for activities necessary to restore storm-damaged businesses, including through damage reimbursements, and support for rehabilitation, reconstruction, elevation, and/or other mitigation activities. This small business suffered damage during Superstorm Sandy, and requires that dredging, bulkhead, and mitigation work be performed. As such, potential alternatives must be considered in order to try and mitigate the amount of damage from future flood events.

One potential alternative is to relocate the business out of the 100-year floodplain; however, this marina business is a functionally dependent water use. Therefore, it is imperative that this business be located in floodplain and/or wetland. Moreover, properties on water that have some portion of land not in 100-year floodplain are already developed. As such, relocation is not considered a viable option for this business.

Another alternative would be for only past work on the preexisting docks to be reimbursed, and for no funding to be provided for future work. However, it is construed that this alternative would not be beneficial and might cost more in the long-term as the proposed bulkhead repair and mitigation work would help prevent future erosion and protect landward structures. Additionally, the proposed dredging will allow the continued operation of the business as a marina. Not providing funding for future work would mean this small business would be under a financial hardship to recover from the storm, as shoaling at the entrance and main channel has compromised access to this business.

Another alternative would be for “no action” to occur, meaning the applicant would not be receiving grant funds to restore and sustain business. This option means there would be a potential inability for the business to survive rebuilding after the storms. Furthermore, the ability for the owner to successfully mitigate any future damages from floods would be impeded due to the lack of financial support; which means the property would be more vulnerable. The “no action” alternative could greatly impact this business and the surrounding community, as recovery would be greatly impaired due to lack of support. Moreover, the proposed mitigation work will help prevent shoaling of the Canal channel which several residents and businesses rely on, including other marinas. It is expected that the mean high wave break wall will help reduce the frequency of dredging at the canal entrance because the mitigation work (mean high wave wall) can help prevent shoaling of the Canal entryway. Accordingly, the “no action” decision would neither support this business’s recovery nor help the community recover from the devastating storms.

The functional, water-dependent nature of this business necessitates location in wetland and floodplain. The main footprint/harbor of this property is actively used as a waterfront node. Based on the land uses and the development pattern of this community, a prohibition on restoration and rehabilitation of this functionally dependent business within floodplain and wetland is not practicable or desirable.

Step 4. Identify & Evaluate Potential Direct & Indirect Impacts Associated with Occupancy or Modification of 100-year Floodplain and Potential Direct & Indirect Support of Floodplain and Wetland Development that Could Result from Proposed Action.

Floodplain Evaluation

The focus of floodplain evaluation should be on adverse impacts to lives and property, and on natural and beneficial floodplain values. Natural and beneficial values include consideration of potential for adverse impacts on water resources such as natural moderation of floods, water quality maintenance, and groundwater recharge.

According to the FEMA Report - A Unified National Program for Floodplain Management, two definitions commonly used in evaluating actions in floodplain are “structural” and “non-structural” activities. Per the report, structural activity is usually intended to mean adjustments that modify the behavior of floodwaters through the use of measures such as public works dams, levees and channel work. Non-structural is usually intended to include all other adjustments (e.g., regulations, insurance, etc.) in the way society acts when occupying or modifying a floodplain. These definitions are used in describing impacts that may arise in association with potential advancement of this case.

Natural moderation of floods

As the applicant’s site is one of many developed parcels situated within the 100-year floodplain, the continued occupancy may potentially result in future direct impacts to property during certain severe floods and related natural disasters. However, the direct effects to this property would be no greater than those expected to the other adjacent

occupied properties within this floodplain.

Living resources such as flora and fauna

This land use may constitute a type of business where, after flooding, materials used in operations could potentially be released into the environment, thereby having unquantifiable potential to impact water quality maintenance and ecological resources. A potential impact that may arise is that materials used or stored on-site would be caused to be released into the environment, such as a result of wind or floodwaters. However, this would be more likely if there are not non-structural and structural floodproofing techniques in place, such as if materials are not stored in water-tight containers, and/or said containers break or migrate out of a non-enclosed building due to lack of proper preparation. A qualitative evaluation suggests the potential would be relatively small and if such releases do occur, it is likely as part of a potential area-wide impact. In such an instance, floatable debris could contribute to litter and if there were minor amounts of chemicals used on site, floodwaters may induce rapid dilution. Given the nature of this business, the potential for an acute or chronic level of water quality impact from this site is low.

Impacts to Property & Lives

The action does present potential to impact commercial occupancy of floodplain, but it does not involve residential structures. Supporting the recovery of small businesses is an essential component of recovery in storm-affected communities, as recognized by the March 2013 Notice in the Federal Register.

Occupancy of this floodplain in this developed area has taken place over an extended history. According to Suffolk County's 2014 Draft update to the 2000 version of their Multi-Jurisdictional Hazard Mitigation Plan, the Town of Southampton is susceptible to occasional hurricanes and severe storms, and frequent floods (page 9.36-6). Considering the context of the area – this action represents an activity at only one parcel among others that are located within contiguous floodplain. This business is not considered a critical facility. Thus, funding this project/activity does constitute indirect continued support of floodplain occupancy and development for this business. In the event of severe flooding and associated natural hazards in the future, there is potential for further damage to this property, business disruption, and impacts to this small business.

The in-kind rehabilitation of the site sustains area property values and community character within a district and neighborhood that has been settled for a long time. It enables continued viability of this small business, which might otherwise degrade, or cease to exist, without support in rehabilitating facilities, restarting business operations, and/or recouping some revenue lost as a result of the disaster. Similarly, the proposed investment supports the area by sustaining an asset. With sustained operations here, the market is not disrupted in that customers are required to travel greater distances for the type of services offered by this business. Support to sustain this business also helps ensure a diverse economic base and supports maritime activities. If this project/activity were not funded, there probably would be other undefined, undesirable indirect impacts to lives and the area economy, on a short- and long-term basis, such as relating to

economic multipliers and support that this business provides to surrounding businesses, as it purchases products and services.

Cultural resources such as archaeological, historic & recreational aspects

The property impacted contains two structures, one circa 1972 and the second circa 1990. However, while there is no local certified government, the New York State Historic Preservation Office (SHPO) confirmed on December 5, 2015 that this project has no effect on historic or tribal resources. No further action will be required.

Agricultural, aquacultural, & forestry resources

Suffolk County has agricultural and woodland sites in flood zone and there is substantial agriculture and fishing industry on Long Island, including aquaculture in the form of oyster farming. Per the 2012 State Comptrollers Report, Agriculture in Long Island—Figure 2 of the report shows that considering ‘Agricultural Production by Commodity Group in Long Island (2007)’, aquaculture at \$7.5 Million sales revenue represents 2.9% of this total type of economic product. It is possible if there is a materials release from this property, it could potentially affect natural resources. However, while it is conceivable that flooding of a business like this could be part of a cumulative influence on such resources, the impact attributable to this use could not have been quantitatively derived, and the potential impact, with planning for and practice of non-structural management practices, is considered minor.

Wetland Evaluation

The purpose of wetland evaluation is to consider factors relevant to a proposal’s effect on the survival and quality of the wetland. These factors should include public health (including water supply and water quality), maintenance of natural systems, cost increases attributed to construction in wetland, and other uses of wetland in the public interest.

Public health, safety, and welfare, including water supply, quality, recharge, and discharge; pollution; flood and storm hazards and hazard protection; and sediment and erosion.

The project location is in wetlands that are designated tidal wetlands (NYSDEC) and estuarine/deep-water (FWS). These wetlands are not freshwater wetlands and, therefore, are not directly used for water supply. However, these tidal wetlands and deep-water estuarine wetlands along the coast can serve to absorb the force of storm waters and tidal erosion. These areas help protect upland soil and freshwater resources. The in-kind replacement of existing bulkheads is not suspected to pose a threat to public health and safety, or to increase flood and storm hazards, while dredging of the mouth of the marine basin would only be restoring it to the pre-storm condition. The bulkhead replacement will make this property and surrounding area more resilient to floodwaters in an area that has extensive bulkhead networks. The proposed mitigation work to build a mean high wave break wall mostly occurs in already disturbed areas where there is a brush jetty and docking/ bulkhead, with only a minor portion in what is presumed to be previously undisturbed. This area is susceptible to coastal flooding and not riverine flooding, and so higher bulkheads and a mean high wave

break wall at this property will not impact neighboring properties by displacing floodwater to surrounding properties as can happen in areas of riverine flooding. The proposed action will not decrease the area of the wetland, it will only replace existing bulkheads in-place, insert a mean high wave wall in already disturbed areas, and dredge the marina entrance to pre-storm conditions.

Maintenance of natural systems, including conservation and long-term productivity of existing flora and fauna; species and habitat diversity and stability; natural hydrologic function; wetland type; fish; wildlife; timber; and food and fiber resources.

The proposed action will not further affect the natural systems/ wetlands at this preexisting developed marina parcel, which is located on a canal that is fully developed with other marinas and residential properties. The proposed work is for future rehabilitative dredging, to replace bulkheads in place, and to build a protective mean high wave wall. It is construed that the Applicant will comply with all best management practices and permit conditions that will be set forth in the applicable federal, state, and local environmental permits, when they are acquired. It is presumed that there will not be new adverse impacts on the existing flora/fauna, habitat, natural hydrologic function, or natural resources at the location, especially because work will be in conformance with stipulations set forth in the permits that will be acquired for the proposed work.

Cost increases attributed to wetland-required new construction and mitigation measures to minimize harm to wetlands that may result from such use.

The proposed scope of work involves only very minor changes to the area of the wetland by the use of inserting a mean high wave break wall, and all other work merely returns the marina to the state it was in before Superstorm Sandy and Hurricane Irene. Consequently, there is no new costs increases attributed to necessary mitigation measures to minimize harm to wetlands that may result from such use.

Other uses of wetland in the public interest, including recreational, scientific, and cultural uses.

This functionally dependent marina offers the public recreational access to waterways in the area. According to the Outdoor Industry Association's two page fact sheet New York The Outdoor Recreation Economy, outdoor recreation generates \$338 billion in consumer spending and 305,000 direct jobs within the State. This is an important sector of the regional and local economy and the subject business is an example of a constituent part of this aspect of the economic base. It is presumed that market demand for marina services is strong and if the services here were disrupted, consumer demand could not simply shift to other marinas located in wetlands and floodplains because of finite supply.

Step 5. Where Practicable, Design or Modify the Proposed Action to Minimize the Potential Adverse Impacts To and From the 100-Year Floodplain and to Restore and Preserve its Natural and Beneficial Functions and Values.

Given that proposed building rehabilitation funded by this Program is limited and does not rise to the level of substantial reconstruction, and considering the individual property scale, it is not financially feasible to specify mitigation measures to the building, such as

elevating the building(s), dry floodproofing the building(s), or promoting strategic retreat, such as through government acquisition. Proposed work on the property is to repair the bulkheads and build a new mean high wave break wall in order to limit future damage and protect the property from erosion and floodwaters during flooding events, to dredge the mouth of the marine basin to restore pre-storm access to the marina, and to pay for permits and designs. Additionally, it is reasonable to promote business owner awareness of future risks of natural hazards, including flooding, plus the physical, social and economic impacts that potential events could convey, including through potential for future physical damage to property, buildings, supplies, and equipment.

It is reasonable to promote business owner awareness of actions they can take to define and prepare for the impacts of many hazards they may face. There are free resources available to aid such preparedness planning found at the link: <http://www.ready.gov/business>. Also, the Applicant could consider participating in The Clean Marina Initiative, an incentive-based program promoted by the National Oceanic and Atmospheric Administration that offers information about engaging in marina-specific operating and maintenance procedures in order to protect coastal water quality.

Step 6. Reevaluate the Alternatives and Proposed Action.

The relocation alternatives within floodplain would not change the fact that marinas are functionally dependent on location on the water and are, therefore, predisposed to being located in the floodplain and/or wetlands. The areas that are outside flood zone are impracticable in terms of the businesses' basic requirements to be located on the water.

The reimbursement without the proposed work alternative would not address the business's need to repair the bulkhead, restore functionality of the marina basin, and provide protection of the marina. This alternative is not desirable because it does not present the long-term benefits associated with bulkhead improvement and a mean high wave break wall, which will prevent erosion and protect landward structures both at the business and the surrounding properties. It also perpetuates a potential risk of bulkhead failure. If bulkhead breakdown did occur, it could negatively influence navigation as well as habitat, such as if major dredging were required for repair of a broken-down bulkhead.

The "no action" alternative would not address the need this business has for help in funding their rehabilitation. Without grant funding, the business could be unable to successfully complete restoration of business service facilities. It would remain vulnerable to damage in future flooding events.

Therefore, the alternatives examined are not considered desirable or possible and the action to fund structure rehabilitation and business continuity at this business is still practicable in light of exposure to flood hazards in the floodplain, possible adverse impacts on floodplain and wetland, the extent to which it may aggravate current hazards to other floodplains and wetlands, and the potential to disrupt natural and beneficial functions and values of wetlands and floodplains. Moreover, the March 2013 Notice in the Federal Register strongly recommends that grantees engage in a robust policy for

ensuring recovery of small businesses affected by storm events, as such recovery is essential to the continued vitality of surrounding communities. Thus, alternatives preventing or impeding small business recovery are not considered reasonable alternatives.

Step 7. Issue Findings and Public Explanation.

It is the finding of this report that there is no better alternative than to provide funding for the rehabilitation of this small business. The location within wetland and floodplain cannot be avoided due to the geomorphology and developed nature of the area, and the space requirements and characteristics of a functionally dependent marina. Moreover, not funding any actions would mean that this small business could struggle to recover. A final notice, formally known as “Notice of Policy Determination” was published in accordance with 24 CFR 55, for a 7-day comment period. (See **Attachments 4 and 5** of this *Floodplain Management (EO11988) and Protection of Wetlands (EO11990) Determination* for the notice and the distribution to local, state and federal agencies). *The 7-day comment period started with notice publishing in New York Newsday newspaper (eastern addition) on May 26, 2015 and the 7-day period expired June 2, 2014. No public comments were received.* The notice describes the reasons why the project must be located in the floodplain, alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values.

Step 8. Continuing Responsibility of Responsible Entity & Recipient.

The responsible entity will make available educational materials regarding best practices for businesses located in floodplains. It will also require the business to demonstrate proof of current flood insurance. It is acknowledged there is a continuing responsibility by the responsible entity, the Governor's Office of Storm Recovery (GOSR), operating under the auspices of the New York State Homes and Community Renewal's (NYSHCR) Housing Trust Fund Corporation, to ensure, to the extent feasible and necessary, compliance with Steps 5 through 7.

**Attachment 1
Notice of Early Public Review
Floodplain Management
and Protection of Wetlands Determination
Executive Orders 11988 & 11990**



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN 100-YEAR FLOODPLAIN AND WETLAND

April 24, 2015

To: All Interested Agencies, Groups & Individuals

The Governor's Office of Storm Recovery (GOSR), operating under auspices of the New York State Homes and Community Renewal (HCR's) Housing Trust Fund Corporation, is the responsible entity for direct administration of U.S. Dept. of Housing & Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program. The purpose of this notice is to identify that GOSR is undertaking the decision-making process required by federal Executive Order (EO) 11988 and EO 11990 in accordance with HUD regulations at 24 CFR §55.20 (Subpart C- Procedures for Making Determinations on Floodplain Management and Protection of Wetlands), and invites public comment to determine the potential effect that implementing business restoration at the site described below could potentially have on the 100-year floodplain and wetland. The project is part of the New York Rising Small Business Grant Program and consists of the physical restoration project described below. GOSR is conducting this review in order to consider the project's potential impacts on the 100-year floodplain and wetland so as to determine whether or not assistance should be granted.

Project Name: The business proposed to receive storm rehabilitation support is Ponquogue Marine Basin, Inc., located at 86 Foster Avenue, Hampton Bays hamlet, Town of Southampton, Suffolk County, NY. The property is 8.3 acres, and the majority of the property is located within the 100-year floodplain. The marina basin and the Shinnecock Bay are considered wetlands.

Brief Description of Project: Ponquogue Marine Basin, Inc. is a full service marina and boatyard that experienced impacts to buildings and other business infrastructure on the property as a result of Hurricane Irene and Superstorm Sandy. CDBG-DR funding would assist reimbursement for structure repair work located within the 100-year floodplain and wetland, the future dredging of the marina basin entrance to pre-storm conditions, and the construction of a mean high wave break wall (wave wall) to protect the marina and surrounding properties from wave action during storm surge. Reimbursed work was in-kind replacement, and the wave wall mitigation portion of the project will occur within the basin and adjacent Foster Creek/ canal off of Shinnecock Bay. The wave wall will be 2 feet and 6 inches above mean high water levels. This business is functionally dependent on water access and, thus, necessitates its location in floodplain and wetland. Accordingly, the Board of Trustees of the Freeholders & Commonalty of the Town of Southampton have granted a permit for the mean high wave break wall project. The wave wall is expected to protect the marina, neighboring properties, and to reduce the frequency of which the Foster Creek entrance must be dredged, by reducing shoaling. Applicable local, state, and federal permits will be acquired for all in-water work before the projects commence.



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



Since the action is located within the Federal Emergency Management Agency's (FEMA) 100-year floodplain and wetlands, Executive Order 11988 and 11990 requires that the project not be supported if there are practicable alternatives to development in floodplain and/ or wetland.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and wetlands and those who have an interest in the protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains and wetlands facilitates federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplain and/ or wetland, it must inform those who may be put at greater or continued risk.

Comments from the public are invited and will be received for fifteen (15) days from the first date of this publication. Any individual, group, or agency may submit written comments on the actions to: Attention Daniel Greene, Certifying Officer, Governor's Office of Storm Recovery, 25 Beaver Street, 5th Floor, New York, New York, 10004. Comments may also be submitted via email at [NYSCDBG DR ER@nyshcr.org](mailto:NYSCDBG_DR_ER@nyshcr.org) or by telephone, excepting public holidays, at (212) 480-4644 weekdays from 9:00 AM - 5:00 PM.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Greene'.

Daniel Greene, Certifying Officer
Governor's Office of Storm Recovery

Attachment 2
Notice of Early Public Review Affidavit
Floodplain Management
and Protection of Wetlands Determination
Executive Orders 11988 & 11990

NEWSDAY AFFIDAVIT OF PUBLICATION

TECTONIC
PO BOX 37 PLEASANT HILL RD
MOUNTAINVILLE, NY 10953

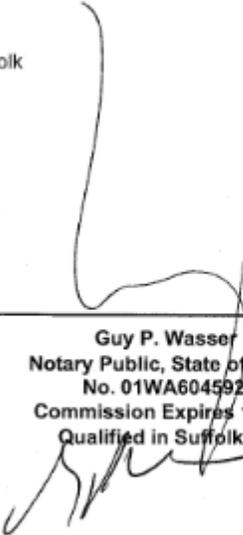
STATE OF NEW YORK)
:SS.:
COUNTY OF SUFFOLK)

Legal Notice No. 0021077699

R. Lopes of Newsday Media Group., Suffolk County, N.Y., being duly sworn, says that such person is, and at the time of publication of the annexed Notice was a duly authorized custodian of records of Newsday Media Group, the publisher of NEWSDAY, a newspaper published in the County of Suffolk, County of Nassau, County of Queens, and elsewhere in the State of New York and other places, and that the Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Friday April 24, 2015 Suffolk

SWORN to before me this
24 Day of April, 2015.



Guy P. Wasser
Notary Public, State of New York
No. 01WA6045924
Commission Expires 10/20/2018
Qualified in Suffolk County

Address of LLC, of a United Cynobate Services, Inc., 874 Walker Rd, Ste. C, Dover, DE 19904. ETC. of State, 402 Federal St., 60, Dover, DE 19902. Purpose: any lawful activity.

any items, items, (tools, and appliances. Purchases must be made with cash only. No goods are sold as is and must be removed at the time of purchase. Extra Storage reserves the right to bid. Sale is subject to adjustment.

Subsequent to delivery of lot for rental on May 12, 2015 at approx. (3:00 p.m.) of www.stormtreasures.com.

DO YOU KNOW THAT YOU CAN SEE NEWSDAY'S BUY & SELL ADS ON THE INTERNET? WWW.NEWSDAY.COM/CLASSIFIEDS

Legal Notice # 21877084 AMENDED NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that a public hearing pursuant to Title 1 of Article 18-A of the New York State General Municipal Law will be held by the Town of Islip Industrial Development Agency on the 5th day of May, 2015, at 10:30 a.m., Local time, at Islandia Village Hall, 2100 Old Nichols Road, Islandia, New York, 11749, in connection with the following matters: Carli Property LLC, a limited liability company organized under the laws of the State of New York, on behalf of itself and/or the LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company"), and business corporation organized under the laws of the State of New York, on behalf of itself and/or the principals of Home Center of NY, Inc. and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Subsidiary"), have agreed to the Town of Islip Industrial Development Agency ("Agency") to enter into transactions in which the Agency will assist in (a) the purchase of an approximately 1.00 acre parcel of land located at 167 Ouellet Island, New York, and (b) the renovation of a 28,172 square foot building located on the property located at the intersection of the location and siting thereof of equipment (as such term is defined in the "Facilities") and, together with the land and the facilities, the "Company", which Company Facility is located and situated on the property and further situated on the property and installation of equipment and personal property (the "Equipment") by the Agency and the Company, collectively referred to as the "Fac-

ility", and which Facility is to be used by the Subsidiary as office space and warehouse space in its business as an importer and distributor of facility. The Company owned by the Subsidiary. The Agency will acquire a leasehold interest in the Equipment and will lease the Company Facility to the Subsidiary for further use in its business. The Agency will lease the Equipment to the Subsidiary. The Agency contemplates that it will provide financial assistance to the Company and the Subsidiary in the form of a loan in connection with the renovation and equipping of the Facility, exemptions from mortgage recording taxes in connection with the financing or any subsequent financing of the Facility and taxes, all consistent with the policies of the Agency. A representative of the Agency will at the above-stated time and place hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company and the Subsidiary or the location of the Facility. All persons will have the opportunity to be heard by the Agency and an analysis of the costs and benefits of the proposed Facility. This Amended Notice of Public Hearing amends the Notice of Public Hearing published by the Town of Islip Industrial Development Agency in Newsday on April 22, 2015, and is made to reflect that the location of the public hearing has been changed to Islandia Village Hall at the above-referenced address. Dated: April 22, 2015 TOWN OF ISLIP INDUSTRIAL DEVELOPMENT AGENCY By: William G. Morale Title: Executive Director

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN 100-YEAR FLOODPLAIN AND WETLAND To All Interested Agencies, Groups & Individuals The Governor's Office of Storm Recovery (GOSR), operating under auspices of the New York State Homes and Community Renewal (NYSRHC) Housing Trust Fund Corporation is the responsible entity for direct administration of U.S. Dept. of Housing & Urban Development (HUD) Community Development Block Grant - Disaster Recovery (CDBG-DR) program. The purpose of this notice is to identify that GOSR is undertaking the decision-making process required by federal Executive Order (EO) 11988 and EO 11990 in accordance with HUD regulations at 24 CFR 935.20 (Subpart C- Procedures for Making Determinations on Floodplain Management and Protection of Wetlands), and invites public comment to determine the site described below could potentially be restored at year floodplains and wetlands. The project is located on the 100-year physical restoration project described below. GOSR is conducting this review in order to consider the project's potential impacts on the 100-year floodplain and wetlands so as to determine whether or not additional floodplain and wetlands protection support is necessary. The business proposal to receive storm restoration support is Pennington Marine Basin, Inc. located at 4500 S. Suffolk County, NY. The property is 8.3 acres, and the area within the basin and the Shinnecock Bay are considered service marina and wetlands that experienced impacts as a result of Hurricane Irene and Superstorm Sandy. CDBG-DR funding would assist reimbursement for structural repair work located within the 100-year floodplain and wetlands, the repair work would include the construction of a mean high water wall (walls will) to protect the marina and surrounding properties from wave action during storm surge. Reimbursement would include replacement, and the wave wall mitigation work was the project will occur within the basin and adjacent Foster Creek and 6 inches above mean high water levels. This business is functionally dependent on floodplains and wetlands. The Town of Southampton have granted a permit for the mean high water break wall project. The work will be expected to be completed by the Foster Creek entrance must be dredged, by means of dredging. Applicable local, state, and federal permits will be required for all in-water work before the project commences. Since the action is located within the Federal Emergency Management Agency's (FEMA) 100-year floodplain and wetlands, not be supported if there are practicable alternatives to development in floodplains and/or wetland. There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and wetlands and those who have an interest in the protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, dissemination of information about floodplains and wetlands facilitates federal efforts to reduce the risks associated with the occupancy and modification of those special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains and/or wetlands, it must inform those who may be put at greatest risk. Comments from the public are invited and will be received for individual, groups, or agency may submit written comments on the actions to: Attention: Daniel Greene, Certifying Officer, Governor's Office of Storm Recovery, 23 Beaver Street, 3rd Floor, New York, New York 10004. Comments may also be submitted via email at NYSCDBG.DR.ER@physicr.org or by telephone, excepting public holidays, at (212) 489-6644 weekdays from 9:00 AM - 5:00 PM. Daniel Greene, Certifying Officer Governor's Office of Storm Recovery

APR 22 2015 7:00PM WASHINGTON

Attachment 3
Public Comments Regarding Early Notice



ANNA THRONE-HOLST
Supervisor

TOWN OF
SOUTHAMPTON
116 Hampton Road, Southampton, NY 11968

Telephone: (631) 283-6055
Fax: (631) 287-5708
athrone-holst@southamptontownny.gov

April 30, 2015

Governor's Office of Storm Recovery
Att: Daniel Greene, Certifying Officer
25 Beaver Street, 5th Floor
New York, NY 10004

Dear Mr. Greene,

I write to express my support of the project at the Ponquogue Marine Basin, Inc. with the storm rehabilitation support being provided by the Governor's Office of Storm Recovery. The Marine Basin experienced significant damage to the buildings on its property as the result of Hurricane Irene and Superstorm Sandy.

The support in the form of CDBG-DR funding will provide the funding that is critical to ensure the work is done to repair the damage that was done to the property, and in addition, to create the wave wall that will protect the marina and surrounding properties against damage caused by future storms. The Town of Southampton has approved the permit for the construction of the wave wall and we look forward to the swift implementation of this project.

Thank you again for your support of this project.

Sincerely,

Anna Throne-Holst
Supervisor

**Attachment 4
Final Notice
Floodplain Management
and Protection of Wetlands Determination
Executive Orders 11988 & 11990**



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



FINAL NOTICE & PUBLIC REVIEW OF A PROPOSED ACTIVITY IN 100-YEAR FLOODPLAIN AND WETLAND

May 26, 2015

To: All Interested Agencies, Groups & Individuals

The Governor's Office of Storm Recovery (GOSR), operating under auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation, is the Responsible Entity for direct administration of the U.S. Dept. of Housing & Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program. The purpose of this notice is to identify that GOSR is advancing the decision-making process required by federal Executive Orders 11988 and 11990 in accordance with HUD regulations at 24 CFR 55.20 (Procedures for Making Determinations on Floodplain Management and Protection of Wetlands), and invites public comment on the potential effect that implementing business restoration at the site below would potentially have on the 100-year floodplain and wetlands. The project is part of the New York Rising Small Business Grant Program and consists of the physical restoration activities described below. GOSR is conducting this review in order to consider the project's potential impacts on the 100-year floodplain and wetlands so as to determine whether or not assistance should be granted.

Project Name: The business proposed to receive storm rehabilitation support is Ponquogue Marine Basin, Inc., (Project Number: 103-ED-32411-2013) located at 86 Foster Avenue, Hampton Bays hamlet, Town of Southampton, Suffolk County, New York. The property is 8.3 acres, and the majority of the property is located within the 100-year floodplain. The marina basin and Shinnecock Bay are considered wetlands.

Brief Description of Project: Ponquogue Marine Basin, Inc. is a full service marina and boatyard that experienced impacts to buildings and other business infrastructure on the property as a result of Hurricane Irene and Superstorm Sandy. CDBG-DR funding would assist reimbursement for structure repair work located within the 100-year floodplain and wetlands, the future dredging of the marina basin entrance to pre-storm conditions, and the construction of a mean high wave break wall (wave wall) to protect the marina and surrounding properties from wave action during storm surge. Reimbursed work was in-kind replacement, and the wave wall mitigation portion of the project will occur within the basin and adjacent Foster Creek and canal off of Shinnecock Bay. The wave wall will be 2 feet and 6 inches above mean high water levels. This business is functionally dependent on water access and, thus, necessitates its location in the 100-year floodplain and wetlands. Accordingly, the Board of Trustees of the Freeholders & Commonalty of the Town of Southampton have granted a permit for the mean high wave break wall project. The wave wall is expected to protect the marina, neighboring properties, and to reduce the frequency of which the Foster Creek entrance must be dredged, by reducing shoaling. Applicable local, state, and federal permits will be acquired for all in-water work before the projects commence.

There are multiple purposes for this notice. First, people who may be affected by activities in

25 Beaver Street | New York, NY 10004 | Recovery Hotline: 1-855-NYS-Sandy | www.stormrecovery.ny.gov



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



floodplains and wetlands and those who have an interest in protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about wetland and floodplain development facilitates federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains and wetlands, it must inform those who may be put at greater or continued risk.

Evaluating Impacts & Alternatives: Since the action is located within the Federal Emergency Management Agency's (FEMA) 100-year floodplain and within a designated wetland, national Executive Orders 11988 and 11990 require that the project not be supported if there are practicable alternatives to development in the floodplain and wetland. This marina business is a functionally dependent water use. Therefore, it is imperative that this business be located in floodplain and/or wetland. Moreover, properties on water that have some portion of land not in the 100-year floodplain are already developed. As such, relocation is not considered a viable option for this business. A second alternative would be for only the past work performed on pre-existing docks be reimbursed and no funding be allowed for proposed bulkhead and mitigation work, or the dredging. This alternative would not help prevent future erosion or protect landward structures, and not completing the proposed dredging would severely limit the continued operation of the business as a marina. Not providing funding for future work would mean this small business would be under a financial hardship to recover from the storms, as shoaling at the entrance and main channel has compromised access to this business. A last option would be for no action to occur, meaning this applicant would not be receiving grant funds to restore and sustain business. This option means there could be a potential inability for the business to survive after the storms and the ability for the owner to successfully mitigate future damages would be impeded. This option would neither support the business or the community in recovering from these devastating storms.

Determination: The risk of location and development in the 100-year floodplain and wetlands have been identified herein. Based on further consideration of the project, including the results of early notice that provided opportunity for public comment, as well as review that includes hazard management analysis and the potential to maintain floodplain value, the alternatives are considered neither feasible nor desirable. Since GOSR has reevaluated the alternatives and determined there is no practicable alternative, it is proposed that this project remains at this location. GOSR is notifying the public with these proposed findings. The detailed analysis is available for consideration by request.

Comments from the public are invited and will be received until the 8th day after the date of this publication. Any individual, group, or agency may submit written comments on the actions to Daniel Greene, Governor's Office of Storm Recovery, 25 Beaver Street, 5th Floor, New York, New York, 10004. Written comments may also be submitted via email at NYS-CDBG_DR_ER@nyshcr.org. Comments may be received by telephone at (212) 480-4644 Monday through Friday, 9:00 AM - 5:00 PM.



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



Sincerely,

A handwritten signature in cursive script, appearing to read 'Dan Greene'.

Daniel Greene, Certifying Officer
Governor's Office of Storm Recovery
NYS Housing Trust Fund Corporation
NYS Homes and Community Renewal

**Attachment 5
Final Notice Affidavit
Floodplain Management
and Protection of Wetlands Determination
Executive Orders 11988 & 11990**

Attachment 10

Environmental Permits

Dredging Permits



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
PONQUOGUE MARINE BASIN INC
86 FOSTER AVE
HAMPTON BAYS, NY 11946

Facility:
PONQUOGUE MARINA
86 FOSTER AVE
HAMPTON BAYS, NY 11946

Facility Location: in SOUTHAMPTON in SUFFOLK COUNTY
Facility Principal Reference Point: NYTM-E: 710.139 NYTM-N: 4525.205
Latitude: 40°51'03.5" Longitude: 72°30'25.5"

Project Location: Shinnecock Bay

Authorized Activity: Maintennace dredge marina access channel to -6 feet below the low tide level and place resultant dredged material on site. All work shall be done according to the plan prepared by Edward Batcheller last revsied 9/4/14 and stamped NYSDEC approved on 9/10/14.

Permit Authorizations

Tidal Wetlands - Under Article 25

Permit ID 1-4736-02060/00009

New Permit

Effective Date: 9/10/2014

Expiration Date: 9/9/2024

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 1-4736-02060/00010

New Permit

Effective Date: 9/10/2014

Expiration Date: 9/9/2024

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 1-4736-02060/00011

New Permit

Effective Date: 9/10/2014

Expiration Date: 9/9/2024

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: MARK CARRARA, Deputy Regional Permit Administrator
Address: NYSDEC REGION 1 HEADQUARTERS
SUNY @ STONY BROOK|50 CIRCLE RD
STONY BROOK, NY 11790 -3409

Authorized Signature: _____

Date 9/10/2014



Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: TIDAL WETLANDS; WATER QUALITY CERTIFICATION;
EXCAVATION & FILL IN NAVIGABLE WATERS**

1. **Notice of Maintenance Dredging** For maintenance dredging projects, the permittee shall submit a Notice of Commencement prior to each dredging occurrence, specifying the disposal site (including an updated site plan). Upon completion, a Notice of Completion shall be submitted to the address indicated on that notice form, including the amount of material dredged and deposited at the approved disposal site.
2. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
3. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Edward Batcheller last revised on 9/4/14..
4. **Dredging Once Per Year** Dredging shall be undertaken no more than once in any calendar year unless specifically authorized by the department.
5. **Dredging Prohibition Period** Dredging is specifically prohibited from June 1 through September 30 each year to protect spawning shellfish and/or spawning finfish.
6. **No Dredging near Tidal Wetland** No dredging shall occur within 22 linear feet of the seaward edge of the inter tidal marsh areas.
7. **Filter Fabric Curtain Around Dredging Area** A filter fabric (turbidity) curtain weighted across the bottom and suspended at the top by floats shall be positioned to enclose the work site before commencing dredging. The curtain shall remain in place and in functional condition during all phases of the dredging operations and remain in place for two hours after dredging termination and turbidity inside the curtain no longer exceeds ambient levels.
8. **Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined within the project work area and/or upland areas greater than 30' linear feet from the tidal wetland boundary.
9. **Restrict Spillage, Use Closed Bucket** During the dredging operation, the permittee and his



contractor shall prevent spillage of sediment during excavation and haulage. Dredging shall be accomplished with a clam shell or other closed bucket equipment.

10. No Side-casting or Temporary Storage Excavated sediment shall be placed directly into the approved disposal/dewatering site or conveyance vehicle. No side-casting (double dipping) or temporary storage of dredged material is authorized.

11. Grade Channel Side Slopes All side slopes of the dredge channel will have a maximum of 1:3 slope.

12. Dredgings to Remain On-Site/Within Wetland Dredge material approved to remain on-site and/or within the NYSDEC Tidal Wetlands jurisdiction shall be retained so as not to enter any water body, tidal wetlands, or protected buffer areas. Off-site, upland disposal of dredged material beyond NYSDEC Tidal Wetland jurisdiction requires the additional guidance of the Division of Materials Management (631) 444-0375 and is not covered by this permit.

13. No Disturbance to Vegetated Tidal Wetlands There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activities.

14. No Construction Debris in Wetland or Adjacent Area Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.

15. Dredged Depth Survey Within 30 days of completion of the dredging operation, an as-dredged depth survey of the dredged area shall be submitted to

Regional Habitat - TW
NYSDEC REGION 1 HEADQUARTERS
SUNY @ STONY BROOK|50 CIRCLE RD
STONY BROOK, NY11790 -3409
Attn: Compliance

16. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

17. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

18. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of



Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

19. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

20. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this



permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 1 HEADQUARTERS
SUNY @ STONY BROOK|50 CIRCLE RD
STONY BROOK, NY11790 -3409

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Tidal Wetlands, Water Quality Certification, Excavation & Fill in Navigable Waters.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision



under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

JUL 08 2015

REGULATORY BRANCH

SUBJECT: Permit Application File Number NAN-2015-00745-EYR by William Stubelek for one-time dredging of Ponquogue Marina entranceway at Shinnecock Bay, Town of Southampton, Suffolk County, New York.

1. PERMITTEE:

William Stubelek
86 Foster Avenue
Hampton Bays, NY 11946

2. On June 26, 2015, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization to perform one-time dredging, via long-boom excavator, of approximately 954 cubic yards of material from the rectangular-shaped approximately 55-foot long by 25-foot wide entranceway to Ponquogue Marina to a maximum depth of 6-feet below the Plane of Mean Low Water. All resultant dredged material will be placed in an upland, bermed area, with dewatering into Shinnecock Bay. The project is located 86 Foster Avenue in the Town of Southampton, Suffolk County, New York.

3. The specific applicant-provided details are as shown on the enclosed dated permit drawings.

4. This determination covers only the work described in the submitted material. Any major changes in the regulated work may require additional authorizations from the New York District of the U.S. Army Corps of Engineers.

5. Based on the information submitted to this office and accomplishment of any required notification in accordance with the applicable federal requirements, our review of the subject work indicates that an individual Department of the Army permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 3 – MAINTENANCE. The nationwide permits are prescribed at Reissuance of Nationwide Permits in the Federal Register dated February 21, 2012 (77 FR 10184). The subject work may be performed without further authorization from this office provided it complies with the permit conditions listed in Section B, Number 3 – MAINTENANCE; Section C; any applicable New York District regional conditions; the following work-specific Special Conditions listed below; and any applicable regional conditions added by the State of New York.

6. Other than the work-specific Special Conditions listed below, the 2012 nationwide general permits in the State of New York, including their final regional conditions, water quality certifications, and coastal zone concurrence statements are available at:

JUL 08 2015

REGULATORY BRANCH

SUBJECT: Permit Application File Number NAN-2015-00745-EYR by William Stubelek for one-time dredging of Ponquogue Marina entranceway at Shinnecock Bay, Town of Southampton, Suffolk County, New York.

http://www.nan.usace.army.mil/Portals/37/docs/regulatory/geninfo/natp/NWP_PN_30M_AY12.pdf

If you require a specific paper copy, please contact our Regulator-of-the-Day at 917-790-8511 to request one be mailed to you. Please be sure to have the above eighteen-character file number readily available when you call.

7. Work-specific Special Conditions:

(A) No dredging or other in-water work may be undertaken between March 01 and June 30 of any calendar year to minimize potential adverse effects to early life stages and habitat of aquatic species that may be present in the work area.

(B) Best management practices shall be utilized to minimize turbidity during all in-water work activities as well as prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.

(C) The permittee shall contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

(D) Incidents where any individual plant or animal listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the New York District of the U.S. Army Corps of Engineers at (917) 790-8511. The finder should leave the plant or animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

8. Please note that this nationwide general permit (NWGP) verification is based on a preliminary jurisdictional determination (JD). A preliminary jurisdictional determination (JD) is not appealable. If you wish, prior to commencement of the authorized work you may request an approved jurisdictional determination (JD), which may be appealed, by contacting the New York District, US Army Corps of Engineers for further instructions. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review US Army Corps of Engineers Regulatory Guidance Letter Number 08-02, which can be found at:

JUL 08 2015

REGULATORY BRANCH

SUBJECT: Permit Application File Number NAN-2015-00745-EYR by William Stubelek for one-time dredging of Ponquogue Marina entranceway at Shinnecock Bay, Town of Southampton, Suffolk County, New York.

<http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl08-02.pdf>

9. This verification is valid until March 17, 2017, unless the nationwide general permits are modified, reissued, or revoked before then. This verification will remain valid until March 17, 2017, if the subject work activity complies with the terms of any subsequent modifications of the nationwide general permits. If the nationwide general permits are suspended, revoked, or modified in such a way that the subject activity would no longer comply with the terms and conditions of a nationwide general permit, and the proposed work activity has commenced, or is under contract to commence, the permittee will have twelve (12) months from the date of such permit action to complete the regulated work.

10. In order for us to better serve you and others, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

11. Any inquires should be directed to Robert Youhas at 917-790-8715. Please be sure to have the above eighteen-character file number readily available when you call.

Sincerely,

Stephan A. Ryba
Chief, Eastern Section

Encls

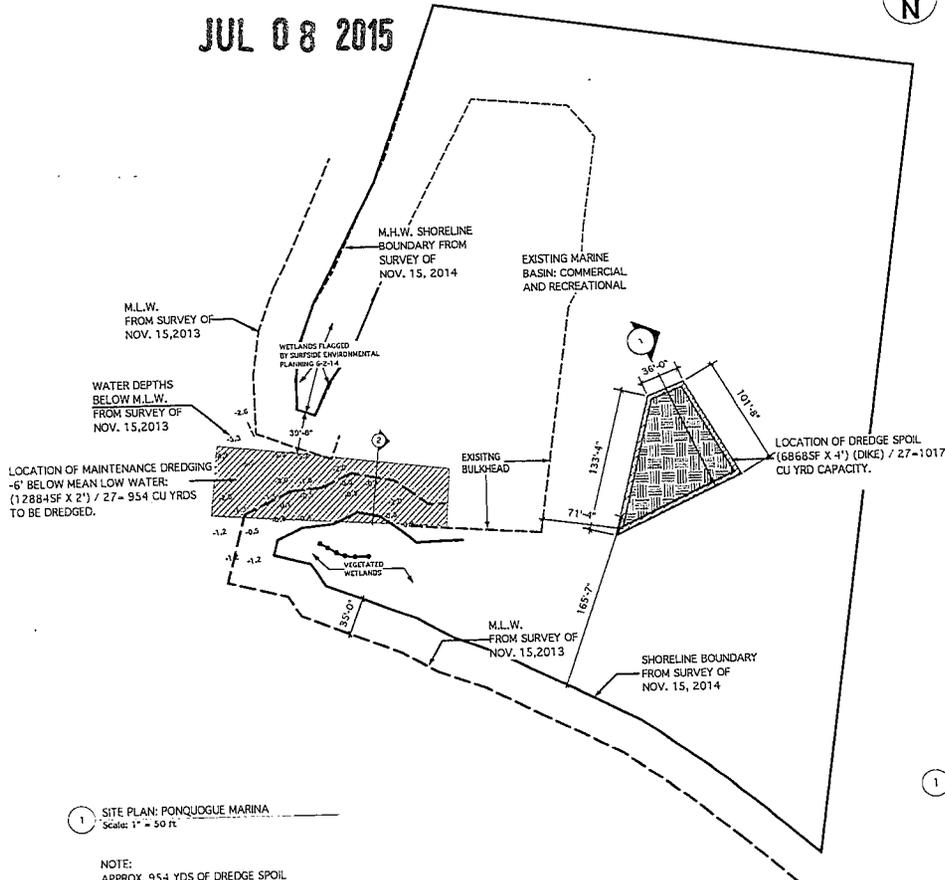
1. Dated Permit Drwgs
2. Completion Form

CF:

Edward A. Batcheller LLC
Attn: Edward Batcheller
7 Jagger Lane
Westhampton, New York 11977

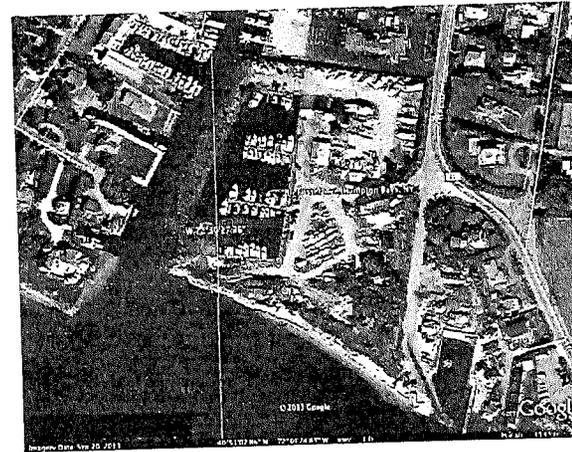
NAN-2015-00745-EYR

JUL 08 2015

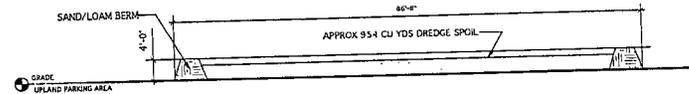


1 SITE PLAN: PONQUOGUE MARINA
Scale: 1" = 50 ft

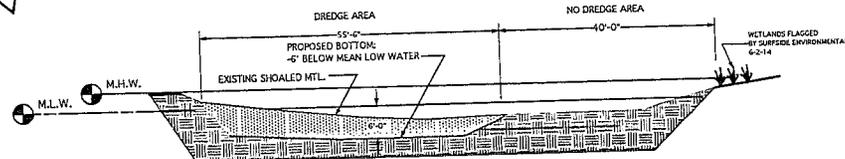
NOTE:
APPROX. 954 YDS OF DREDGE SPOIL TO BE REMOVED AND PLACED IN UPLAND AREA WITH NO RETURN TO WATERWAY. SHOAL MATERIAL CONSISTS PRIMARILY OF SAND AND SILTY CLAY.



3 LOCATION MAP
NOT TO SCALE



1 CROSS SECTION SPOILS CONTAINMENT
Scale: 1" = 10 ft



2 CROSS SECTION MARINA ENTRANCE
Scale: 1" = 10 ft

REVISIONS	DATE
Original	2 15 2014
REVISED	6 15 2014
REVISED	7 8 2014

Project: Ponquogue Marina: MAINTENANCE DREDGING

86 Foster Ave
Hartington Bays, NY

EDWARD A. BATSCHLER, LIC. S0002

Architectural Design & Drafting
1 Appleton Road, Hartington, NY 11937

PLAN & SECTION

A2

NATIONWIDE GENERAL PERMIT
COMPLIANCE CERTIFICATION
AND REPORT FORM

Permit File Number: NAN-2015-00745-EYR

Permittee: William Stubelek

Location: 86 Foster Avenue, Hampton Bays, Southampton, Suffolk County, NY

Date Permit Letter Issued: JUL 08 2015

Within 30 days of the completion of the activity authorized by this nationwide general permit and any mitigation required in the verification letter, please sign this certification and return it to the address at the bottom of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the permit's terms and conditions you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced nationwide general permit has been completed in accordance with the terms and conditions of said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

FOLD THIS FORM INTO THIRDS, WITH THE BOTTOM THIRD FACING OUTWARD.
TAPE IT TOGETHER AND MAIL TO THE ADDRESS BELOW OR FAX (212) 264-4260.

PLACE
STAMP
HERE

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
ATTN: CENAN-OP-RE
NEW YORK, NEW YORK 10278

BOARD OF TRUSTEES

OF THE FREEHOLDERS & COMMONALTY
OF THE TOWN OF SOUTHAMPTON

TRUSTEES PERMIT

PERMIT NO. R1-107022 EXPIRES – One Year from 04/20/2015 - Approved

THIS PERMIT IS ISSUED FOR WORK TO BE DONE ON THESE PREMISES AS SPECIFIED IN THE PERMIT FILED IN THE TRUSTEES OFFICE, SUBJECT TO ALL CONDITIONS OF SAID PERMIT. SUCH WORK TO BE DONE IN ACCORDANCE WITH THE TERMS OF THE TOWN CODE AND THE BOARD OF TRUSTEES RULE AND REGULATION FOR THE MANAGEMENT AND PRODUCTS OF THE WATERS OF THE TOWN OF SOUTHAMPTON.

AGENT: No Agent

OWNER: 86 Foster ave LLC

LOCATION: 86 FOSTER AVE HAMPTON BAYS NY 11946

BODY OF WATER: Shinnecock Bay

SCTM# 900-374-2-3.1

PROJECT: to maintenance dredge approximately 800 c.y. work to be done inside of owner's man made basin. No work to be done in Public waters or Town bottom. As per plans submitted with the original application.

***NO CHEMICALLY TREATED WOOD OR PRESERVATIVE MAY
BE USED ON THIS STRUCTURE.***

THIS PERMIT MUST BE KEPT IN A CONSPICUOUS PLACE ON THE PREMISES FOR WHICH IT IS ISSUED.

**CONTRACTORS MUST READ
PERMIT SPECIFICATIONS
BEFORE BEGINNING ANY WORK**

BY ORDER OF THE BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF SOUTHAMPTON, NY
Eric Shultz, President
Edward Warner Jr., Secretary

SPECIAL CONDITIONS APPLY

WARNING

This Trustees Permit Card must be displayed at all times while the project is under construction.

TOWN OF SOUTHAMPTON

Department of Land Management
Planning Division
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968



KYLE P. COLLINS
TOWN PLANNING AND
DEVELOPMENT ADMINISTRATOR

Phone: (631) 287-5735
Fax: (631) 287-5706

SUPERVISOR
ANNA THRONE-HOLST

August 10, 2015

VIA EMAIL/MAIL

William Stubelek
Ponquogue Marine Basin, Inc.
86 Foster Avenue
Hampton Bays, NY 11946

Re: Ponquogue Marine Basin, Inc. – Maintenance Dredging
SCTM # 900-374-2-3.1

Dear Mr. Stubelek:

Per your request, the Town of Southampton has reviewed the activity covered under Trustees Permit #10722 which includes the following: "To maintenance dredge approximately 800 c.y. work to be done inside owner's man made basin. No work to be done in Public waters or Town bottom."

Based upon the description of the above activity, no further permits are required from the Town of Southampton.

Any questions, please do not hesitate to contact this office.

A handwritten signature in black ink, appearing to read "K.P. Collins", written over a horizontal line.

Kyle P. Collins, AICP
Town Planning and Development Administrator

Replace/ Repair Bulkhead Permits

Bulkhead repair/replacement falls under the USACE NWP #3 and no pre-construction notification is necessary.



[New Search](#) Or use the browser back button to get to previous page

DEC Permit Application Detail

?	Application ID:	1-4736-02060/00012
?	Facility:	Ponquogue Marina
?	Location:	86 Foster Ave, Hampton Bays, NY 11946
?	Town or City:	Southampton
?	Applicant:	Ponquogue Marine Basin Inc
?	Permit Type:	Tidal Wetlands
?	Application Type:	New
?	Date Received:	12/24/2014
?	Status:	Issued as of 02/05/2015
?	Complete Status:	Complete as of 02/05/2015
?	UPA Class:	Minor
?	Short Description:	Finish R/R BH & backfill began under Sandy GP.
?	ENB Publication Date:	
?	Written Comments Due:	
?	SEQR Class:	Type II Action
?	SEQR Determination:	Not Applicable
?	Lead Agency:	None Designated
?	Environmental Justice:	The application is not subject to the Department's Environmental Justice policy (CP-29). Either the permits needed for the project are not subject to the policy or it has been determined that the project would not affect a Potential Environmental Justice Area.
?	SHPA Status:	The proposed activity is not subject to review in accordance with SHPA. The permit type is exempt or the activity is being reviewed in accordance with federal historic preservation regulations.
?	Coastal Zone Status:	This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act.
?	Final Disposition:	Issued as of 02/05/2015
?	Permit Effective Date:	02/05/2015
?	Permit Expiration Date:	02/04/2020
	Stimulus Project:	No
	Other Known IDs:	None
	DEC Contact:	Eugene R Zamojcin SUNY @ Stony BROOK 50 Circle Rd, Stony Brook, NY 11790 Tel:(631)444-0365



[New Search](#) Or use the browser back button to get to previous page

DEC Permit Application Detail

?	Application ID:	1-4736-02060/00013
?	Facility:	Ponquogue Marina
?	Location:	86 Foster Ave, Hampton Bays, NY 11946
?	Town or City:	Southampton
?	Applicant:	Ponquogue Marine Basin Inc
?	Permit Type:	Water Quality Certification
?	Application Type:	New
?	Date Received:	12/24/2014
?	Status:	Issued as of 02/05/2015
?	Complete Status:	Complete as of 02/05/2015
?	UPA Class:	Minor
?	Short Description:	Finish R/R BH & backfill began under Sandy GP.
?	ENB Publication Date:	
?	Written Comments Due:	
?	SEQR Class:	Type II Action
?	SEQR Determination:	Not Applicable
?	Lead Agency:	None Designated
?	Environmental Justice:	The application is not subject to the Department's Environmental Justice policy (CP-29). Either the permits needed for the project are not subject to the policy or it has been determined that the project would not affect a Potential Environmental Justice Area.
?	SHPA Status:	The proposed activity is not subject to review in accordance with SHPA. The permit type is exempt or the activity is being reviewed in accordance with federal historic preservation regulations.
?	Coastal Zone Status:	This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act.
?	Final Disposition:	Issued as of 02/05/2015
?	Permit Effective Date:	02/05/2015
?	Permit Expiration Date:	02/04/2020
	Stimulus Project:	No
	Other Known IDs:	None
	DEC Contact:	Eugene R Zamojcin SUNY @ Stony BROOK 50 Circle Rd, Stony Brook, NY 11790 Tel:(631)444-0365



New Search

Or use the browser back button to get to previous page

DEC Permit Application Detail

?	Application ID:	1-4736-02060/00014
?	Facility:	Ponquogue Marina
?	Location:	86 Foster Ave, Hampton Bays, NY 11946
?	Town or City:	Southampton
?	Applicant:	Ponquogue Marine Basin Inc
?	Permit Type:	Excavation & Fill in Navigable Waters
?	Application Type:	New
?	Date Received:	12/24/2014
?	Status:	Issued as of 02/05/2015
?	Complete Status:	Complete as of 02/05/2015
?	UPA Class:	Minor
?	Short Description:	Finish R/R BH & backfill began under Sandy GP.
?	ENB Publication Date:	
?	Written Comments Due:	
?	SEQR Class:	Type II Action
?	SEQR Determination:	Not Applicable
?	Lead Agency:	None Designated
?	Environmental Justice:	The application is not subject to the Department's Environmental Justice policy (CP-29). Either the permits needed for the project are not subject to the policy or it has been determined that the project would not affect a Potential Environmental Justice Area.
?	SHPA Status:	The proposed activity is not subject to review in accordance with SHPA. The permit type is exempt or the activity is being reviewed in accordance with federal historic preservation regulations.
?	Coastal Zone Status:	This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act.
?	Final Disposition:	Issued as of 02/05/2015
?	Permit Effective Date:	02/05/2015
?	Permit Expiration Date:	02/04/2020
	Stimulus Project:	No
	Other Known IDs:	None
	DEC Contact:	Eugene R Zamojcin SUNY @ Stony BROOK 50 Circle Rd, Stony Brook, NY 11790 Tel:(631)444-0365

BOARD OF TRUSTEES

OF THE FREEHOLDERS & COMMONALTY
OF THE TOWN OF SOUTHAMPTON

TRUSTEES PERMIT

PERMIT NO. 10803 EXPIRES – One Year from 08/18/2014 - Approved

THIS PERMIT IS ISSUED FOR WORK TO BE DONE ON THESE PREMISES AS SPECIFIED IN THE PERMIT FILED IN THE TRUSTEES OFFICE, SUBJECT TO ALL CONDITIONS OF SAID PERMIT. SUCH WORK TO BE DONE IN ACCORDANCE WITH THE TERMS OF THE TOWN CODE AND THE BOARD OF TRUSTEES RULE AND REGULATION FOR THE MANAGEMENT AND PRODUCTS OF THE WATERS OF THE TOWN OF SOUTHAMPTON.

AGENT: No Agent

OWNER: 86 Foster LLC/Tunguogue Marine Basin Inc

LOCATION: 86 FOSTER AVE HAMPTON BAYS NY 11946

BODY OF WATER: Fosters Creek

SCTM# 900-374-2-3.1

PROJECT: to reconstruct 40' bulkhead and 10' bulkhead (in kind/in place) using vinyl sheathing. To construct a 20' return at south end of bulkhead and a 45' return at the north end of bulkhead as per drawing. All new bulkhead will be same height as the existing.

NO CHEMICALLY TREATED WOOD OR PRESERVATIVE MAY BE USED ON THIS STRUCTURE.

THIS PERMIT MUST BE KEPT IN A CONSPICUOUS PLACE ON THE PREMISES FOR WHICH IT IS ISSUED.

CONTRACTORS MUST READ
PERMIT SPECIFICATIONS
BEFORE BEGINNING ANY WORK

BY ORDER OF THE BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF SOUTHAMPTON, NY
Eric Shoffe, President
Edward Warner Jr., Secretary

SPECIAL CONDITIONS APPLY

WARNING

This Trustees Permit Card must be displayed at all times while the project is under construction.

BOARD OF TRUSTEES

OF THE FREEHOLDERS & COMMONALTY
OF THE TOWN OF SOUTHAMPTON

TRUSTEES PERMIT

PERMIT NO. R1-10803 EXPIRES – One Year from 08/03/2015 - Approved - Renew

THIS PERMIT IS ISSUED FOR WORK TO BE DONE ON THESE PREMISES AS SPECIFIED IN THE PERMIT FILED IN THE TRUSTEES OFFICE, SUBJECT TO ALL CONDITIONS OF SAID PERMIT. SUCH WORK TO BE DONE IN ACCORDANCE WITH THE TERMS OF THE TOWN CODE AND THE BOARD OF TRUSTEES RULE AND REGULATION FOR THE MANAGEMENT AND PRODUCTS OF THE WATERS OF THE TOWN OF SOUTHAMPTON.

AGENT: No Agent

OWNER: 86 Foster LLC/Ponquogue Marine Basin Inc

LOCATION: 86 FOSTER AVE HAMPTON BAYS NY 11946

BODY OF WATER: Fosters Creek

SCTM# 900-374-2-3.1

PROJECT: to renew permit 10803 for one year, to reconstruct 40' bulkhead and 10' bulkhead (in kind/in place) using vinyl sheathing. To construct a 20' return at south end of bulkhead and a 45' return at the north end of bulkhead as per drawing. All new bulkhead will be same height as the existing.

NO CHEMICALLY TREATED WOOD OR PRESERVATIVE MAY BE USED ON THIS STRUCTURE.

THIS PERMIT MUST BE KEPT IN A CONSPICUOUS PLACE ON THE PREMISES FOR WHICH IT IS ISSUED.

**CONTRACTORS MUST READ
PERMIT SPECIFICATIONS
BEFORE BEGINNING ANY WORK**

BY ORDER OF THE BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF SOUTHAMPTON, NY
Eric Shultz, President
Edward Warner Jr., Secretary

SPECIAL CONDITIONS APPLY

WARNING

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TOWN OF SOUTHAMPTON

Department of Land Management
Planning Division
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968



KYLE P. COLLINS
TOWN PLANNING AND
DEVELOPMENT ADMINISTRATOR

Phone: (631) 287-5735
Fax: (631) 287-5706

SUPERVISOR
ANNA THRONE-HOLST

July 31, 2015

VIA EMAIL/MAIL

William Stubelek
Ponquogue Marine Basin, Inc.
86 Foster Avenue
Hampton Bays, NY 11946

Re: Ponquogue Marine Basin, Inc. – Reconstruct Bulkhead
SCTM # 900-374-2-3.1

Dear Mr. Stubelek:

Per your request, the Town of Southampton has reviewed the activity covered under Trustees Permit # 10803 which includes the following: “to reconstruct 40’ bulkhead and 10’ bulkhead (in kind/in place) using vinyl sheathing. To construct a 20’ return at south end of bulkhead and a 45’ return at the north end of bulkhead as per drawing. All new bulkhead will be the same height as the existing.”

Based upon the description of the above activity, no further permits are required from the Town of Southampton.

Any questions, please do not hesitate to contact this office.

Kyle P. Collins, AICP
Town Planning and Development Administrator

Mean High Wave Wall Permits

Pending NYSDEC permits.

Pending USACE permits.

NYSDEC and USACE permit applications are expected to be filed on or about 8/17/2015

BOARD OF TRUSTEES

OF THE FREEHOLDERS & COMMONALTY
OF THE TOWN OF SOUTHAMPTON

TRUSTEES PERMIT

PERMIT NO. 10879 EXPIRES – One Year from 03/06/2015 - Approved

THIS PERMIT IS ISSUED FOR WORK TO BE DONE ON THESE PREMISES AS SPECIFIED IN THE PERMIT FILED IN THE TRUSTEES OFFICE, SUBJECT TO ALL CONDITIONS OF SAID PERMIT. SUCH WORK TO BE DONE IN ACCORDANCE WITH THE TERMS OF THE TOWN CODE AND THE BOARD OF TRUSTEES RULE AND REGULATION FOR THE MANAGEMENT AND PRODUCTS OF THE WATERS OF THE TOWN OF SOUTHAMPTON.

AGENT: William Stubelek

OWNER: Ponquogue Marine Basin Inc.

LOCATION: 86 FOSTER AVE HAMPTON BAYS NY 11946

BODY OF WATER: Shinnecock Bay

SCTM# 900-374-2-3.1

PROJECT: to extend westward bulkhead 150' and raised 1'. To construct a 50' return to south (seaward).

NO CHEMICALLY TREATED WOOD OR PRESERVATIVE MAY BE USED ON THIS STRUCTURE.

THIS PERMIT MUST BE KEPT IN A CONSPICUOUS PLACE ON THE PREMISES FOR WHICH IT IS ISSUED.

**CONTRACTORS MUST READ
PERMIT SPECIFICATIONS
BEFORE BEGINNING ANY WORK**

BY ORDER OF THE BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF SOUTHAMPTON, NY
Eric Shultz, President
Edward Warner Jr., Secretary

SPECIAL CONDITIONS APPLY

WARNING

This Trustees Permit Card must be displayed at all times while the project is under construction.

TOWN OF SOUTHAMPTON

Department of Land Management
Planning Division
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968



KYLE P. COLLINS
TOWN PLANNING AND
DEVELOPMENT ADMINISTRATOR

Phone: (631) 287-5735
Fax: (631) 287-5706

SUPERVISOR
ANNA THRONE-HOLST

July 31, 2015

VIA EMAIL/MAIL

William Stubelek
Ponquogue Marine Basin, Inc.
86 Foster Avenue
Hampton Bays, NY 11946

Re: Ponquogue Marine Basin, Inc. – Extend Bulkhead/Construct Return
SCTM # 900-374-2-3.1

Dear Mr. Stubelek:

Per your request, the Town of Southampton has reviewed the activity covered under Trustees Permit # 10879 which includes the following: “To extend westward bulkhead 150’ and raised 1’. To construct a 50’ return to south (seaward).”

Based upon the description of the above activity, no further permits are required from the Town of Southampton.

Any questions, please do not hesitate to contact this office.

Kyle P. Collins, AICP
Town Planning and Development Administrator

Attachment 11

Department of
State Coastal
Consistency
Determination

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

July 20, 2015

Mr. Daniel Greene
Dep. General Counsel & Certifying Officer
NYS Governor's Office of Storm Recovery
25 Beaver Street, 5th Floor
New York, New York 10004

Re: F-2015-0511(FA)
GOSR - Ponquogue Marine Basin, Inc.
Replace bulkheads on the property, dredge the entrance to the marina, purchase building supplies for building and dock repair, and mitigation work to install a new mean high wave break wall within the marina, the adjacent Foster Creek, and the Shinnecock Bay.
Town of Southampton, Hampton Bays, Suffolk County
General Concurrence - No Objection To Funding

Dear Mr. Greene:

The Department of State received the information you submitted regarding the above matter on 7/17/2015.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, the Department of State has no objection to the use of U. S. Housing and Urban Development funds for this financial assistance activity. This concurrence pertains to the financial assistance activity for this project only. If federal permits or other form of federal agency authorization is required for this activity, the Department of State will conduct a separate review for those permit activities. In such a case, please forward a copy of the federal application for authorization, a completed Federal Consistency Assessment Form, and all supporting information to the Department at the same time it is submitted to the federal agency from which the necessary authorization is requested.

When communicating with us regarding this matter, please contact Jeffrey Zappieri at (518) 474-6000 and refer to our file #F-2015-0511(FA).

Sincerely,



Jeffrey Zappieri
Supervisor, Consistency Review Unit
Office of Planning and Development

JZ/dc

cc: NYS GOSR - Thomas King



**Department
of State**



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



June 1, 2015

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Division of Coastal Resources
New York State Department of State
One Commerce Plaza
99 Washington Avenue
Albany, New York 12231-0001

Re: CDBG-DR Program – Ponquogue Marine Basin, Inc.

Dear Mr. Zappieri:

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of the New York Homes and Community Renewal's (NYSHCR) Housing Trust Fund Corporation, was established to aid the statewide recovery of disaster-affected communities in New York State. GOSR is administering a U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant for Disaster Recovery (CDBG-DR), including the Economic Development - Small Business Grant Program. On behalf of GOSR, please find enclosed coastal zone consistency materials for your review.

Mr. William Stubelek, owner of Ponquogue Marine Basin, Inc., has applied for CDBG-DR funding to replace bulkheads on the property, dredge the entrance to the marina, purchase building supplies for building and dock repair, and mitigation work to install a new mean high wave break wall within the marina, the adjacent Foster Creek, and the Shinnecock Bay. The business is located at 86 Foster Avenue, Hampton Bays hamlet, Town of Southampton, Suffolk County, New York. The proposed funding is a limited grant award building repair reimbursement, repair/replacement of select bulkheads, dredging at the marina basin entrance, and mitigation work involving installing a mean high wave break wall. The project location and details of the scope of work are included in the annexed Attachments.

GOSR is acting as the Responsible Entity (RE) under 24 CFD Part 58—Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities. GOSR has prepared the attached Federal Consistency Assessment Form to certify that the proposed project is consistent with New York's Coastal Management Program. At this time, we are requesting that New York State Department of State concur with the attached certification.

Thank you for taking the time to review the enclosed materials. Please do not hesitate to contact me by email at Daniel.Greene@stormrecovery.ny.gov or by telephone at (212) 480-4644 should you have any questions or require additional information.



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



Sincerely,

Daniel Greene
Certifying Environmental Officer
Governor's Office of Storm Recovery
Housing Trust Fund Corporation
NYS Homes and Community Renewal

Attachments:

- Attachment A – Federal Consistency Form
- Attachment B – Detailed Project Description and Policy Analysis
- Attachment C – Site Maps
- Attachment D – Site Pictures
- Attachment E – Detailed Mean High Wave Break Wall Plan

ATTACHMENT A
Federal Consistency Form

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT (please print)

1. Name: Ponquogue Marine Basin, Inc.
2. Address: 86 Foster Avenue, Hampton Bays hamlet, Town of Southampton, Suffolk County, NY
3. Telephone: Area Code () (516) 790-4592

B. PROPOSED ACTIVITY

1. Brief description of activity:
Provide Community Development Block Grant - Disaster Recovery funding for bulkhead repair/ replacement, dredging at the marina entrance, and for mitigation work to construct a mean high wave wall to aid in improving resiliency for the property during future storm events. The mean high wave wall occurs within marina basin, Foster Creek, and partially within Shinnecock Bay.
2. Purpose of activity:
Provide funds to restore the marina to pre-storm conditions & to provide funds for mitigation work to increase the resilience of the storm affected business to future storm events.
3. Location of activity:

<u>Suffolk</u>	<u>Town of Southampton</u>	<u>86 Foster Avenue</u>
County	City, Town, or Village	Street or Site Description
4. Type of federal permit/license required: United States Army Corp of Engineers
5. Federal application number, if known: TBD
6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:
New York State Department of Environmental Conservation: permit number not known

C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

I. Will the proposed activity result in any of the following: YES/NO

- a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)
b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)
c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)
d. Reduction of existing or potential public access to or along coastal waters? (19, 20)
e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10)
f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)
g. Siting of a facility essential to the generation or transmission of energy? (27)
h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)
i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)
j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)
k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39)
l. Adverse effect upon land or water uses within the State's small harbors? (4)

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES/NO

- a. State designated freshwater or tidal wetland? (44)
b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)
c. State designated significant fish and/or wildlife habitat? (7)
d. State designated significant scenic resource or area? (24)
e. State designated important agricultural lands? (26)
f. Beach, dune or barrier island? (12)
g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)
h. State, county, or local park? (19, 20)
i. Historic resource listed on the National or State Register of Historic Places? (23)

3. Will the proposed activity require any of the following: YES/NO

- a. Waterfront site? (2, 21, 22)
b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)
c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)
d. State water quality permit or certification? (30, 38, 40)
e. State air quality permit or certification? (41, 43)

4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program? (see policies in program document*)

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.

2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: William Stubelek
 Address: 86 Foster Ave Hampton Bays NY 11946
 Telephone: Area Code (631) 728-2264 office ; (516) 790-4592 cell
 Applicant/Agent's Signature: William Stubelek Date: 5/21/2015

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the New York State Department of State, Office of Coastal, Local Government and Community Sustainability, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government. Revised 10/04/1010

ATTACHMENT B
Detailed Project Description and Policy Analysis

Project: Ponquogue Marine Basin, Inc. (Project 103-ED-32411-2013)

Location: 86 Foster Avenue, Hampton Bays hamlet, Town of Southampton, Suffolk County, NY 11946

Introduction

The project analyzed herein is proposed to receive Community Development Block Grant Program–Disaster Recovery (CDBG-DR) funding for reimbursement of building supplies, and for future infrastructure repairs in the form of bulkhead replacement, dredging, and mitigation for a mean high wave break wall, which will increase resiliency of the property to future storms. Funding for this business’s revitalization is from the New York Rising Small Business Grant Program. Ponquogue Marine Basin, Inc. is a full service marina and boatyard that serves recreational and commercial customers.

Background and Existing Conditions

Ponquogue Marine Basin, Inc. is a full service marina and boatyard that experienced impacts to buildings and other business infrastructure on the property as a result of Hurricane Irene and Superstorm Sandy. This business is functionally dependent on water access and, therefore, is located in 100-year floodplain and wetland. Accordingly, the Board of Trustees of the Freeholders & Commonalty of the Town of Southampton have granted a permit for the proposed work described below. The mitigation work for the mean high wave break wall is expected to protect the marina and neighboring properties, and to reduce the frequency of which the adjacent Foster Creek entrance must be dredged, by reducing shoaling. Applicable local, state, and federal permits will be acquired for all in-water work before the projects commence.

The Governor’s Office of Storm Recovery (GOSR), operating under the auspices of New York State Homes and Community Renewal’s Housing Trust Fund Corporation, is the responsible entity for the direct administration of this U.S. Department of Housing and Urban Development (HUD CDBG-DR) program. An environmental assessment (EA) is being prepared to assist GOSR in its determination whether to grant CDBG-DR funding for the proposed project. The decision to grant CDBG-DR funding will be dependent on the environmental review required under the National Environmental Policy Act of 1969 (NEPA) pursuant to 24 CFR Part 58. GOSR has determined that this project is an Unlisted Action under the State Environmental Quality Review Act.

Purpose and Need

This businesses was damaged during Hurricane Irene and Superstorm Sandy and has not been able to restore infrastructure to pre-storm conditions nor implement measures to increase resiliency to future storms. In the March 5, 2013 Federal Register Notice, HUD expressly recognized that “without the return of businesses and jobs to a disaster-impacted area, recovery may be impossible. Therefore, HUD strongly encourages grantees to envision economic revitalization as a cornerstone to a long-term recovery” (78 FR 14335). Thus, the proposed action to facilitate small business recovery and mitigation at this location is considered a step toward long-term recovery in this disaster-impacted area.

Proposed Project

CDBG-DR funding would assist reimbursement for structure repair work located within floodplain and wetland, the future dredging of the marina basin entrance to pre-storm conditions, and the construction of a mean high wave break wall to protect the marina and surrounding properties from wave action during storm surge. Reimbursed work was in-kind replacement, and the wave break wall mitigation portion of the project will occur within the basin, the adjacent Foster Creek, and the Shinnecock Bay. The wave break wall will be 2 feet and 6 inches above mean high water levels.

FCAF Section	Coastal Management Plan (CMP) Policy	Proposed Project consistency with CMP
1c	1- Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.	The proposed project will replace existing bulkheads, dredge the marina entrance and construct a new mean high wave break wall at this water dependent business. The proposed action would be consistent with this policy as the work proposes to rehabilitate a storm-affected/ deteriorated waterfront area for commercial and recreational use.
1h	<p>15 - Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.</p> <p>35 - Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, importance agricultural lands, and wetlands.</p>	<p>The proposed project will entail excavation and dredging in coastal waters for dredging the marina entrance, bulkhead replacement, and the construction of a mean high wave break wall. The majority of the work occurs in previously disturbed areas and/ or within the existing marina basin. The new mean high wave wall is intended to protect the property during storms and will also serve to limit the erosion of the peninsula which protects the marina. It is expected that the mean high wave wall will allow for natural beach replenishment at the peninsula and reduce the frequency of which the entrance to Foster Creek needs to be dredged. Therefore, this project will not cause increased erosion or adversely affect the natural coastal process that supply beach materials. Additionally, the new bulkheads and wave break wall will serve to prevent erosion in the future. Thus, this action is in accordance with policy 15.</p> <p>This proposed project does involve dredging and the work will be in accordance with local, state, and federal permits that will be acquired before work commences. The disposal of dredge materials, will not occur in coastal waters, in significant fish/ wildlife habitat, in a scenic resource area, in wetlands, or other environmentally significant areas. Moreover, the proposed project will occur in previously disturbed areas of a developed marina property located in a working waterfront area. Thus, the project will be in compliance with policy 35.</p>
2a	44 - Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.	The proposed project will be consistent with federal, state, and local environmental laws concerning tidal wetlands. Thus, this action will preserve the benefits derived from wetland areas. This project will foster the

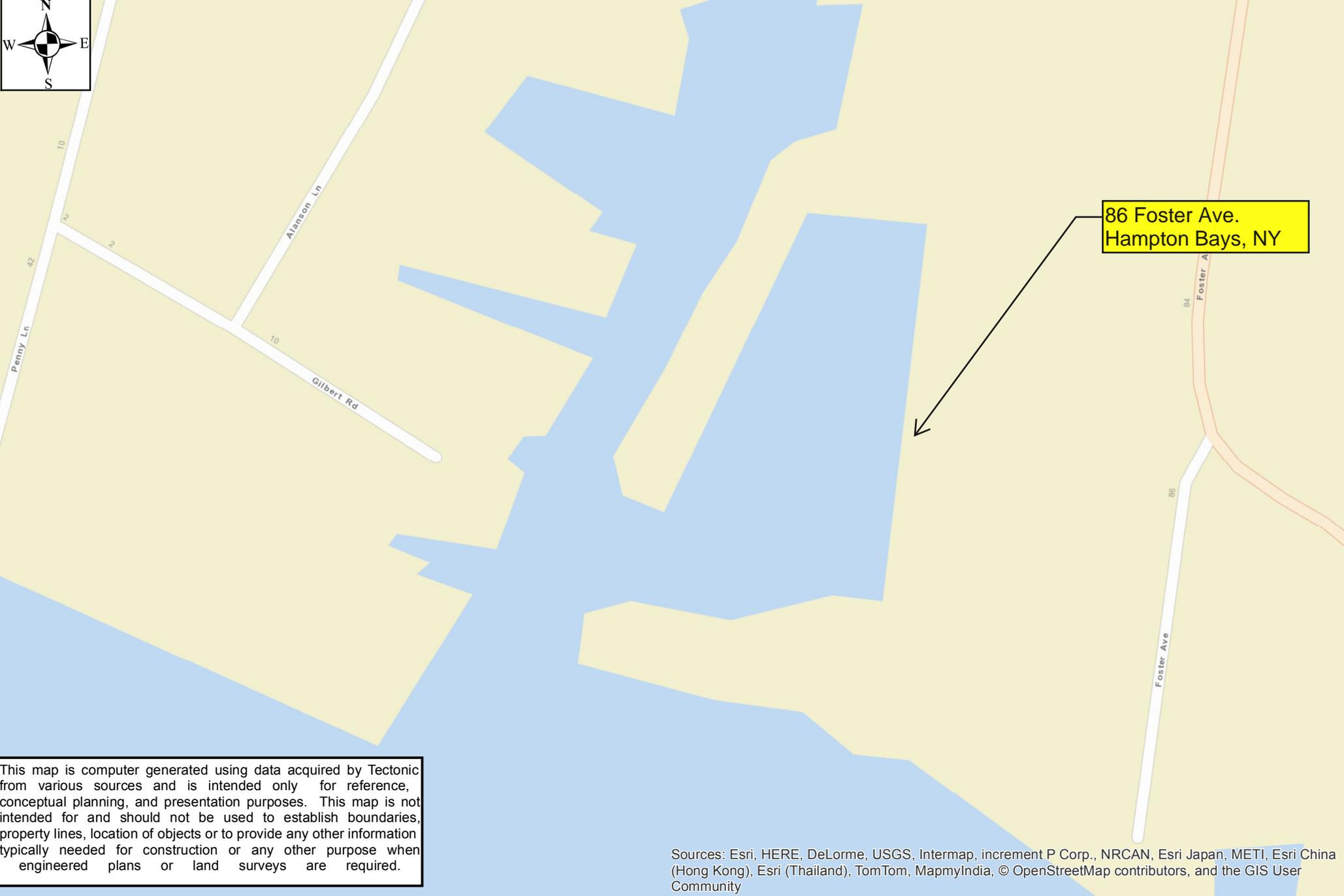
		<p>recreational benefit of tidal wetlands, and is not expected to have adverse effects on wetland benefits at this location and, therefore, is consistent with this policy.</p>
<p>2b</p>	<p>11 - Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.</p> <p>12 - Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.</p> <p>17 - Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.</p>	<p>The proposed project is located in FEMA designated 100-year floodplain (SFHA Zone AE). This project does not involve residential buildings in a coastal erosion or coastal high hazard area and so human lives are not endangered by this proposed project. The grant should aid the resilience of this site and the capacity of the business to practice hazard minimization. This project will provide mitigation to protect building and infrastructure resources on the business property. Providing for resilient bulkheads that withstand coastal flood inundation will promote avoidance of bulkhead failure, including potential disruption of the marina navigation.</p> <p>The proposed action will improve natural protective features. The proposed mean high wave break wall is expected to allow natural beach replenishment on the peninsula protecting the marina property, and this will allow the peninsula to grow to previous boundaries. The mean high wave break wall and bulkheads will prevent the continued erosion of the natural protective feature. Moreover, dredging will bring the marina to pre-storm conditions only, and is not proposed to expand the area of the developed marina.</p> <p>Given the extent of development within the marina basin, it is not feasible to recommend non-structural measures in place of bulkheads. The mean high wave break wall is proposed to protect the marina, and surrounding properties, while allowing for the improvement of natural protective features. Currently, there is a brush jetty where the proposed wave break wall will be located. Though the brush jetty is less permanent and not as developed as the proposed wave break wall, the brush jetty does not effectively protect the property, or prevent shoaling of the area. The currents at the location are too strong for a brush jetty to suffice and the mean high wave break wall has been accepted by the Town of Southampton Board of Trustees as the best solution to protect property, prevent erosion, and maintain access to the Foster Creek off of Shinnecock Bay. Therefore, this project is consistent with all of these policies.</p>

<p>3a</p>	<p>2 - Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.</p> <p>21 - Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.</p> <p>22 - Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.</p>	<p>This proposed project is to replace and improve infrastructure at an existing marina on this coastal, water adjacent property. This action occurs at a marina location which is a functionally dependent water use. Moreover, this project will facilitate water dependent and water enhanced recreation in the form of recreational and commercial boating access and related services at this business. Thus, this action is in conformance with these policies.</p>
<p>3c</p>	<p>13 - The construction or reconstruction of erosion protection structures shall be undertaken only if they have reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.</p> <p>14 - Activities and development including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.</p> <p>16 - Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.</p>	<p>The replacement and improvement of bulkheads will serve to retain soils and prevent erosion at this property. The mean high wave break wall is proposed to replace the brush jetty because the brush jetty is not adequately preventing erosion. The Trustees of the Freeholders and Commonalty of the Town of Southampton approved this project as an appropriate long-term method to protect the marina and surrounding area from erosion and storm surges. The project will not increase erosion at the site.</p> <p>The proposed action will protect structures on this property at this functionally dependent business. This action will allow for the continued existence of this business that provides services for residents and other water dependent businesses. It is presumed that the long-term benefit of this action outweighs a no action alternative in which this business might struggle to recover and will continue to be vulnerable to future storms. Thus, the proposed action is consistent with these policies.</p>

<p>3d</p>	<p>30 - Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.</p> <p>38 - The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.</p> <p>40 - Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to State water quality standards.</p>	<p>This project does not involve discharge of municipal, industrial, or commercial pollutants into coastal waters. Therefore, policy thirty (30) does not apply.</p> <p>The waters at this marina are brackish and are not used for drinking water. The business owner will acquire the appropriate permits to perform the proposed work so that work will be in compliance with federal, state, and local permits. Therefore, with adherence to required stipulations this project will not significantly affect the quality or quantity of surface water and groundwater supplies at this site and this project is in compliance with policy thirty-eight (38).</p> <p>This project will not involve effluent discharged from major steam electric generating and industrial facilities into coastal waters. As such, policy forty-one (41) is not applicable to this project.</p>
<p>4</p>	<p>South Shore Estuary Reserve Comprehensive Management Plan for the Long Island South Shore (2001)</p>	<p>This project occurs in a location that is within the applicable bounds of the <u>South Shore Estuary Reserve Comprehensive Management Plan for the Long Island South Shore</u> (2001). Proposed work at Ponquogue Marine Service is in conformance with this Plan because the work will not cause an increase in non-point source or point source pollution in runoff and will not damage the estuary, and the temporary construction will be carried as such to manage any emissions and prevent undesirable impacts. This work does not increase impervious surfaces– it only rehabilitates a marina basin, replaces and improves bulkhead, and provides for the installation of a mean high wave break wall. The proposed work does not disconnect wetlands from tidal exchange and does not involve the removal of aquatic vegetation. Moreover, this project serves to sustain a water dependent business that provides marina services to the public and contributes to a thriving maritime locale.</p>

ATTACHMENT C

Site Maps



86 Foster Ave.
Hampton Bays, NY

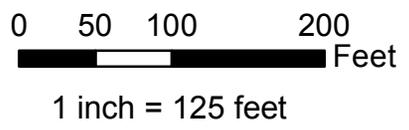
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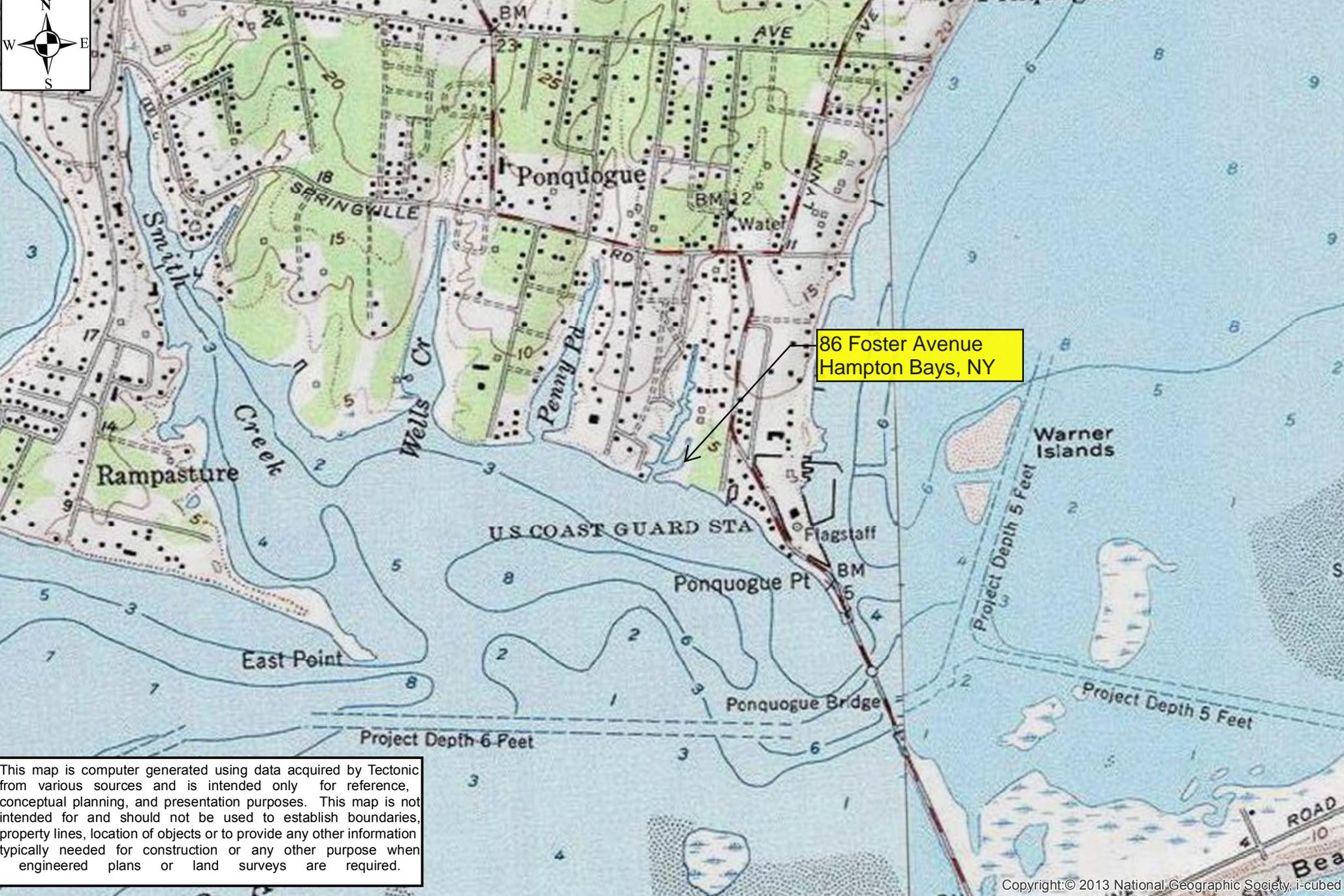
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



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Ponquogue Marine Basin
86 Foster Avenue
Hampton Bays, N.Y. 11946





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0 500 1,000 2,000 Feet
 1 inch = 1,250 feet



-  Area of Dredging.
-  Bulkhead Repair/Replacement
-  Mean High Wave Break Wall

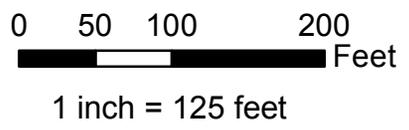


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ATTACHMENT D

Site Pictures

PONQUOGUE MARINE BASIN, INC. – SITE VISIT PHOTOS



Photo 1: Facing North. Area for bulkhead repair/ replacement on northwestern corner of marina basin.

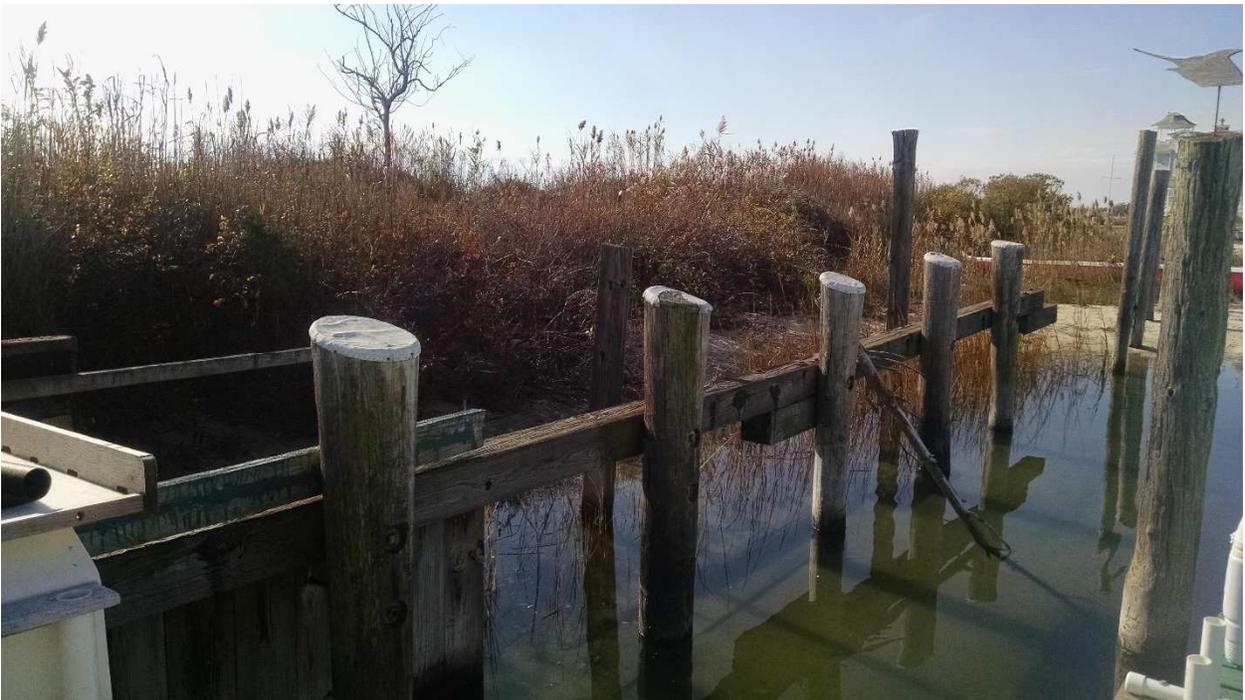


Photo 2: Facing Southwest. Bulkhead area on southern portion of basin to be replaced.



Photo 3: Facing West. Area to be dredged (this is the entrance to the marina basin from Foster Creek).

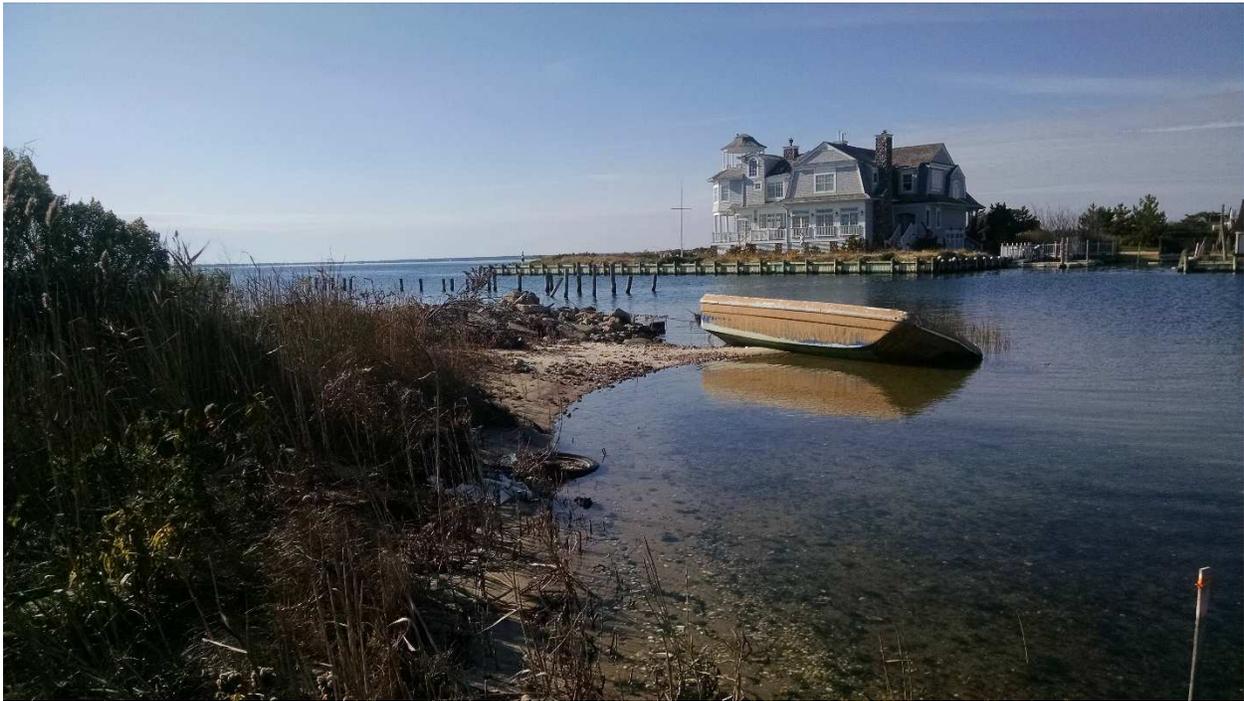


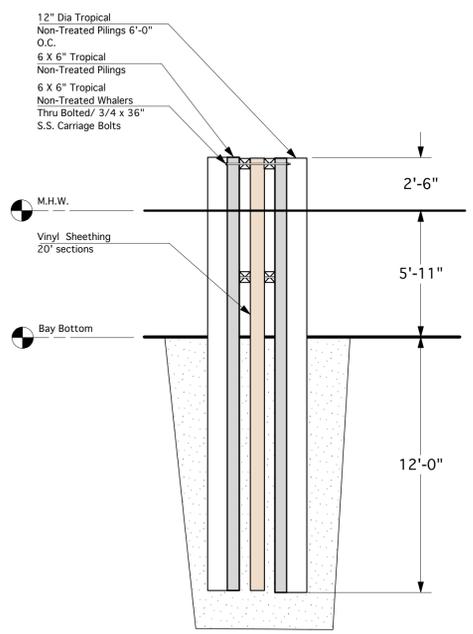
Photo 4: Facing West: toward the area where the mean high wave break wall is proposed to be built.



Photo 5: Facing Southwest: from the tip of peninsula towards the area where the mean high wave wall is proposed to be constructed. Note, the mean high wave wall will replace the brush jetty (see the pilings lined up), but will not extend as far as the current brush jetty.

ATTACHMENT E
Detailed Mean High Wave Break Wall Plan

REVISIONS	DATE
ORIGINAL	3/5/2015



2 SECTION AT NAVY WALL
Scale: 1/4" = 1'-0"

LINE OF EXISTING SHORELINE FROM SURVEY OF JULY, 1975

FOSTER'S CREEK (DUG CANAL)

SHINNECOCK BAY

50'-0"

1'-0" ABOVE ELEVATION OF EXISTING BULKHEAD (2'-6" ABOVE MEAN HIGH WATER)

1'-0" ABOVE ELEVATION OF EXISTING BULKHEAD (2'-6" ABOVE MEAN HIGH WATER)

ENTRANCE TO PONQUOGUE MARINA

EXISTING BULKHEAD AT TABOR RES.

149'-6"

LINE OF EXISTING SHORELINE FROM SURVEY OF NOV. 15TH, 2013

LINE OF EXISTING BULKHEAD

Project: **PONQUOGUE MARINA**
JETTY/WAVE BREAK WALL
FOSTER'S CREEK, HAMPTON BAYS, NY

EDWARD A. BATCHELLER LLC
 Architectural Design + Drafting
 7 Jagger Lane, Westhampton, NY 11977 631 355 2224

Sheet **A2**

PLAN & SECTION

Attachment 12

Coastal Barrier Resource Act Determination



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To:
FWS DBTS-BGNTS

MAY 20 2015

Ms. Alicia Shultz
NYS Homes and Community Renewal
Hampton Plaza, 4th Floor 38-40 State Street
Albany, NY 12207-2804

Dear Ms. Shultz:

The U.S. Fish and Wildlife Service (Service) has reviewed the request dated May 14, 2015, Case # 2867c, for a determination as to whether the following property is within a System unit or an otherwise protected area (OPA) of the John H. Chafee Coastal Barrier Resources System (CBRS).

Address: 86 Foster Avenue
Hampton Bays, NY 11946

We compared the property above, as depicted on the information that was provided, to the official CBRS map for the area, numbered 121A, dated October 15, 1992. This property is not located within a System unit or an OPA of the CBRS. The location of the proposed silt wall as shown on the submitted map is located outside of the CBRS. Please see the enclosed plot, which shows the CBRS boundary overlaid with the submitted map of the proposed silt wall.

We hope this information is helpful. Additional information concerning the CBRS can be found on our website at <http://www.fws.gov/cbra>. If you have any additional questions, please contact Ms. Dana Wright, Program Specialist, at (703) 358-2171.

Sincerely,

Katie Niemi

for Jonathan Phinney, PhD
Chief, Branch of Geospatial Mapping and
Technical Support

cc: Steve Papa, FWS, Shirley, NY
Percy Vasquez, NFIP, Landover, MD



86 Foster Avenue

OUTSIDE OF CBRS

This section will be
149' long.

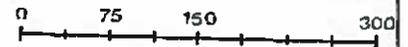
This section will
extend 50' from the
junction with the 149'
foot section

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IN CBRS UNIT F13

● 86 Foster Avenue

1:2,400



— CBRS Boundary *

0 100 200 Feet

*This is the Coastal Barrier Resources System (CBRS) boundary segment affecting the subject property as interpreted from the official CBRS map for the area entitled "Southampton Beach Unit F12, Tiana Beach Unit F13/F13P" and dated October 15, 1992. The official CBRS map is available for viewing and download at www.fws.gov/cbra.

Imagery: United States Department of Agriculture - National Agriculture Imagery Program 2013
Produced by the U.S. Fish and Wildlife Service for informational purposes on May 19, 2015