

EAST END JET SKI, INC.
ENVIRONMENTAL ASSESSMENT



New York State Governor's Office of Storm Recovery
June 24, 2016

EAST END JET SKI, INC. – CDBG-DR SMALL BUSINESS GRANT PROGRAM PROJECT #103-ED-33004-2013 ENVIRONMENTAL ASSESSMENT & ERR PROJECT SUMMARY	
Responsible Entity:	New York State Homes & Community Renewal – Housing Trust Fund Corporation Cooperating with Governor’s Office of Storm Recovery (GOSR)
Certifying Officer:	Thomas J. King, Esq., Assistant General Counsel and Certifying Officer, Governor’s Office of Storm Recovery
Project Name:	East End Jet Ski, Inc.
Funding Recipient	East End Jet Ski, Inc.
Federal Agency:	U.S. Department of Housing & Urban Development (HUD)
Project #:	103-ED-33004-2013
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:	91 Foster Ave, hamlet of Hampton Bays, Town of Southampton, NY 11946
Project County:	Suffolk County, NY
Estimated Project Cost:	\$100,000.00
Project Sponsor Address:	Governor’s Office of Storm Recovery 99 Washington Avenue, Suite 1224 Albany, NY 12231
Primary Contact:	Thomas King, Esq., Assistant General Counsel and Certifying Officer, Governor’s Office of Storm Recovery
E-Mail address:	Thomas.King@stormrecovery.ny.gov
Telephone Number:	(518) 473-0015
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 J. King, Esq. Title/Agency: Assistant General Counsel & Certifying Officer - Governor’s Office of Storm Recovery Date: July 5, 2016</p>
Environmental Assessment Prepared By:	Tectonic Engineering & Surveying PO Box 37, 70 Pleasant Hill Road Mountainville, NY 10953

NEPA Environmental Assessment Checklist

Introduction

East End Jet Ski, Inc. (Applicant) is a marina business located on Shinnecock Bay in the hamlet of Hampton Bays, Town of Southampton, Suffolk County, NY (see Project Location Maps in **Attachment 1**). This business was affected by Superstorm Sandy when it lost floating docks and sustained damages to its marina basin. Proposed work at this location is for new floating docks.

Description of the Proposal

The U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funding is proposed to provide Applicant with funding for the future purchase and installation of floating docks at the marina. The project will involve the acquisition and placement of approximately 3,235 square feet of a new floating dock system including 1,600 square feet of floating walkway docks, and 1,635 square feet of EZ-port floating docks which float in the water and store jet skis and boats. The new docks will replace an estimated 1,370 square feet of pre-storm floating docks and will also expand the floating dock system in this pre-existing developed marina basin. All work at this location is future proposed work. No significant ground disturbance is anticipated to occur. Any ground disturbance will be related to placement of pilings for the floating docks and will occur only in the established marina basin and previously disturbed sediments.

Existing Conditions and Trends

Documentation of loss for East End Jet Ski, Inc., is supported by a site visit, conversations with the business owner, and replacement invoices for the business' floating dock. This business sustained damages as a result of Superstorm Sandy. The business qualifies as part of the Coastal Fishing Industry. The business has not been able to replace its floating docks at this marina basin.

Statement of Purpose and Need for the Project

This business was impacted by Superstorm Sandy resulting in damage to marina infrastructure and function. 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). The funding assistance provides for replacements and upgrades from the applicable Disaster in order to allow this marine-based business to continue to recover from Superstorm Sandy. As this business relies on the ability to store and access boats, jet skis, etc. for rental and other marina activities, the replacement and improvement of the floating docks is integral to the services this business provides.

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	The Town of Southampton Zoning Map, adopted June 8, 1999, depicts the Subject Property as within the RWB (Resort Waterfront Business) zone, which is consistent with maritime use.
Compatibility and Urban Impact	1	The proposed project would be compatible with existing land use on the Subject Property, which is a pre-existing developed marina.
Slope	1	There will be no excavation, and there will be no effect on the slope at the property or on the underwater bottomlands of the marina basin.
Erosion	1	The proposed project involves the replacement of floating docks. There is no proposed excavation or other activity that would cause erosion or influence erosional forces of the tides.
Soil Suitability	1	The proposed project involves the replacement of floating docks at an existing business. As such, suitability of soils is not applicable to the proposed project. No impact to soils is proposed.
Hazards and Nuisances Including Site Safety	1	The funded activities will not involve actions that would involve potential recognized environmental conditions/contamination. There are no known or suspected environmental issues known to have contaminated the Subject Property that would affect the health and safety of occupants or to conflict with the intended utilization of the Subject Property. More details are provided in the Toxic/ Hazardous/ Radioactive Materials, Contamination, Chemicals, or Gases [24 CFR 58.5(i)(2)] section below, its associated maps, and the U.S. Environmental Protection Agency (EPA) and New York State Department of Environmental Conservation (NYSDEC) reports provided in the Case 103-ED-33004-2013 HUD Environmental Standards Review Report (Attachment 2).
Energy Consumption	1	The proposed project will not expand the existing business's energy needs relative to conditions prior to Superstorm Sandy and would not increase long term energy consumption at the

		project location.
Noise - Contribution to Community Noise Levels	1	The proposed use is not a noise-sensitive use. This project involves replacement of floating dock systems at an existing marina business and will not generate excessive noise during the short-term period of physical work and work will adhere to local municipal noise control standards.
Air Quality Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	1	This project will involve in-kind replacements and minor new construction at an existing business and will not involve physical work that would substantially affect the NYSDEC Air Quality State Implementation Plan (SIP). No significant impacts on air quality will result. It is recommended to conduct construction and business assistance in a manner 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.
Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale	1	This project involves the replacement and extension of floating docks within the pre-existing marina basin. The investment will sustain the commercial business which maintains this waterfront property. Because work will occur within a pre-existing marina only, the floating docks at this location will not detract from visual quality at the Subject Property.

Socioeconomic	Code	Source or Documentation
Demographic Character Changes	1	The project will not induce any change in the demographic character of the area.
Displacement	1	The proposed project at this pre-existing commercial marina does not involve residential structures, or any other buildings, and does not involve any action that would cause the displacement of individuals or families, destroy jobs, local businesses or community facilities, or disproportionately affect particular populations.
Employment and Income Patterns	2	The proposed project has no potential to adversely affect employment opportunities or income patterns at these locations and the surrounding areas. Moreover, proposed work would restore the marina to pre-storm capacity and will facilitate reliable income patterns for this businesses which supports local employment and income patterns.

**Community Facilities
and Services**

	Code	Source or Documentation
Educational Facilities	1	The proposed project 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 proposed project will not introduce any new development that would require additional retail services or other commercial facilities. Proposed work involves the replacement and expansion of floating docks at the project location, which will occur in the existing developed marina basin only.
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	Work will not introduce any development that would generate solid wastes. If there are construction wastes generated, then they will be appropriately disposed of in accordance with construction waste management practices, as to the type of waste generated, in an appropriate and legally compliant receiving facility.
Waste Water	1	The proposed project will not introduce any development that would generate waste water.
Storm Water	1	The proposed project will not impact storm water drainage in the area and there will be no increase of impervious areas on land surfaces at this location.
Water Supply	1	The proposed project will not introduce any new development that would increase the demand for water.
Public Safety - Police	1	The proposed project will not introduce any new development that would generate demand for police services.
- Fire	1	The proposed project will not introduce any new development that would generate demand for fire services.
- Emergency Medical	1	The proposed project will not introduce any new development that would generate demand for emergency medical services.
Open Space and Recreation - Open Space	2	The proposed project will not introduce any new development that would generate demand for open space resources. Moreover, this project will allow for the continued use of the Subject Property as a marina that provides access to Shinnecock Bay.
- Recreation	2	The proposed project will not introduce any new development that would generate demand for recreational resources. This project will rehabilitate an existing marina which will allow the business to operate at pre-storm capacity and provide

		continued recreational access to the water for the business's customers.
- Cultural Facilities	1	<p>Section 106 approval was obtained. The New York State Historic Preservation Office (SHPO) has determined that no historic properties will be affected by this undertaking. No further action is required. See SHPO findings, annexed hereto as Attachment 3.</p> <p>Additionally, as the project work solely involves installation of floating docks in a pre-existing developed marina, there is no adverse effect on tribal resources, and no consultation with the Tribal Historic Preservation Officer is required.</p> <p>If there is any unanticipated discovery of endangered or threatened species, cultural resources, soils contamination, or any other conditions affecting the factors, executive orders, stipulations, and/ or regulations discussed within this assessment, work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.</p>
Transportation	1	The proposed project will not introduce any new development that would generate demand for transportation services.

Natural Features

Source or Documentation

Water Resources	1	The proposed project will not introduce any new development that would generate demand for groundwater as a water supply nor introduce any septic systems that may affect groundwater in the area. The in-water work will be completed using best management practices and in compliance with any permits required, such as by U.S. Army Corps of Engineers (USACE), NYSDEC, and/or local entities (Attachment 4).
Surface Water	1	Construction will adhere to best management practices and will not have substantial impact to surface waters during the short-term construction activities. The project will also adhere to conditions set forth in any permits required, such as by USACE, NYSDEC, and local entities (Attachment 4).
Unique Natural Features and Agricultural Lands	1	According to the NYSDEC Environmental Resource map, the Subject Property is not located in or adjacent to a significant natural community. Additionally, per the U.S. Fish and Wildlife Service (USFWS) Critical Habitat map, the Subject Property is not located in or adjacent to any designated critical habitat.

Vegetation and Wildlife	1	Based on the project scope and existing conditions at the Subject Property, no impact is anticipated to vegetation and wildlife. Details regarding vegetation and wildlife are described in the Endangered Species Act [50 CFR 402] section below.
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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 websites. 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 and 58.6	Status Determination (A or B)	Compliance Documentation
Wetland Protection [Executive Order 11990]	A	<p>Based on the USFWS National Wetlands Inventory maps, there are mapped wetlands on the Subject Property. Additionally, the NYSDEC maps indicate the marina basin is within NYSDEC tidal wetlands. Wetland maps are included in Attachment 5.</p> <p>A Floodplain Management (EO 11988) & Protection of Wetland (EO 11990) Determination documenting compliance with this section is annexed hereto as Attachment 6.</p> <p>The Applicant is required to ensure work will comply with the Section 404 of the Clean Water Act. The work will be performed under USACE Nationwide Permits No. 3 (Maintenance) and No. 28 (Modifications of Existing Marinas) which provide general conditions for compliance with Section 404 of the Clean Water Act.</p> <p>Additionally, the watercourse on-site is protected under NYS Environmental Conservation Law Article 25 - Tidal Wetlands. The project will involve the replacement of approximately 1,370 square feet of floating dock and also the installation of new floating dock for an estimated project total of 3,235 square feet of floating dock.</p>

		<p>The work will be performed under authorization from NYSDEC permit ID# 1-4736-06465/00004 for work in tidal wetlands and 1-4736-06465/00005 Water Quality Certification under the Clean Water Act (Attachment 4).</p> <p>Additionally, the work will be performed under authorization from the Board of Trustees of the Freeholders and Commonality of the Town of Southampton. This permit expired on 4/1/2015 and will need to be renewed before the Applicant commences work (Attachment 4).</p> <p>The Applicant shall consult with the Town of Southampton to ensure that the project will meet compliance with the Town's requirements pursuant to Chapters 325 <u>Wetlands</u>, and 169 <u>Flood Damage Protection</u> of the Town Code, as may be required.</p> <p>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.</p> <p>As a condition of the proposed funding through the CDBG-DR–Small Business Grant Program, it is construed that the Applicant will consult with all applicable federal, state and local agencies to acquire the appropriate permits for the proposed funded work before any future work is commenced.</p>
<p>Coastal Zone Management [Coastal Zone Management Act, 1972, sec. 307 (c) and (d)]</p>	<p>B</p>	<p>The Subject Property is located within the NYS Coastal Boundary (Attachment 5). However, the proposed project will not affect the NYS Coastal Zone. The Department of State (DOS) has determined that this project meets the Department's general consistency concurrence criteria. The DOS stated it has no objection to the use of U.S. Department of Housing and Urban Development (HUD) funds for this financial assistance activity, and this documentation is provided in Attachment 7.</p>

<p>Historic Preservation [36 CFR Part 800]</p>	<p>B</p>	<p>Section 106 approval was obtained. The New York SHPO has determined that no historic properties will be affected by this undertaking. No further action is required. See SHPO findings, annexed hereto as Attachment 3.</p> <p>Additionally, as the project work solely involves installation of floating docks in a pre-existing developed marina, there is no adverse effect on tribal resources, and no consultation with the Tribal Historic Preservation Officer is required.</p> <p>If there is any unanticipated discovery of endangered or threatened species, cultural resources, soils contamination, or any other conditions affecting the factors, executive orders, stipulations, and/ or regulations discussed within this assessment, work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.</p>
<p>Floodplain Management [Executive Order 11988; 24 CFR Part 55]</p>	<p>B</p>	<p>Based on Flood Insurance Rate Maps for the Subject Property, the business is located within a Special Flood Hazard Area (100-year floodplain). Proof of National Flood Insurance Program (NFIP) insurance is required. See the attached Flood Insurance Rate Map annexed hereto as Attachment 8. A Floodplain Management Determination (EO 11988) documents compliance and is annexed hereto as Attachment 6.</p> <p>The Applicant shall be required to show proof of current flood insurance prior to closeout.</p>
<p>Sole Source Aquifers [40 CFR 149]</p>	<p>B</p>	<p>The Subject Property is located above the Nassau-Suffolk sole source aquifer. Project activities are proposed to occur within a pre-existing marina basin. The future project activities were reviewed according to the non-housing project activity initial screen criteria form included in Attachment 9. Based on this review, the project does not meet criteria which would require this project to be forwarded to the Environmental Protection Agency (EPA) for preliminary sole source aquifer review. Therefore, there is compliance with this section and no further action is necessary.</p>

<p>Endangered Species Act [50 CFR 402]</p>	<p>B</p>	<p>According to information reviewed from the NYSDEC Environmental Resource Map at http://www.dec.ny.gov/imsmaps/ERM/viewer.htm, the Subject Property is not located within NYSDEC's designated rare, threatened or endangered species generalized review area per the NYSDEC's New York Natural Heritage Program (NHP) (See map in Attachment 5).</p> <p>Species data was requested and received from NHP on 3/9/2016. The NHP response indicated no records of rare or state-listed animals or plants, or significant natural communities at the Subject Property or in its immediate vicinity (Attachment 10).</p> <p>The USFWS lists the piping plover, red knot, roseate tern, sandplain gerardia, seabeach amaranth, and northern long-eared bat as threatened and endangered species that could be in the project area. However, the project is determined to have no effect on any listed species because the project will be located in previously disturbed areas within an existing marina basin. The existing bulkhead around the entire marina basin, where floating docks will be installed, means that there are no previously undisturbed sandy beaches, vegetated shorelines, dunes, coastal over wash flats, trees, or other habitat associated with the listed species that will be disturbed as a result of the project. The USFWS acknowledged the no effect determination on 2/9/2016 (Attachment 10).</p> <p>NMFS Endangered Species Maps for the Atlantic Coast (Attachment 10) indicate that the Subject Property is located within the range of Sea Turtles and the estimated range of Atlantic Sturgeon distinct population segments (DPSs). Additionally, NMFS Endangered Species Maps for the Atlantic Coast indicate the proposed project occurs in waters adjacent to water which could support Atlantic Large Whales. Due to the location, nature of the proposed project activities and regulatory standards set by NYSDEC permits at the Subject Property, it is determined</p>
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		that the project activities will have “No Effect” on the marine species or their critical habitat identified in the NMFS maps. The NMFS concurrence for the no effect determination is annexed hereto in Attachment 10 .
Wild and Scenic Rivers [16 U.S.C. 1271, Sec. 7(b), (c)]	B	The U.S. Department of the Interior and the NYSDEC designate the Carmans, Peconic, and Nissequoque Rivers as scenic rivers within Suffolk County. The project area is not located adjacent to such watercourses. Thus, based on the project location and scope of work, installation of replacement and new floating docks, no impacts would result to wild or scenic rivers and further assessment is not required.
Clean Air Act [40 CFR Parts 6, 51, 93]	B	This project will involve in-kind replacements and minor new construction at an existing business and will not involve physical work that would substantially affect the NYSDEC Air Quality State Implementation Plan (SIP). No significant impacts on air quality will result. Generally, it is recommended to conduct construction-related activities in such a way as to ensure acceptable air quality during these activities (e.g., through minimization of volatile organic compounds and nitrogen oxides emissions, mindful operation of gas-powered construction equipment to avoid prolonged idling, or fugitive dust management during construction). It is also desirable to use or purchase low-VOC materials and inventory and energy star efficient equipment, as practicable.
Farmland Policy Act [7 CFR Part 658]	B	This project does not involve new construction or rehabilitation that would generate site disturbance external to already disturbed and developed areas, since it occurs in a developed marina basin. The new floating dock replacement and construction at the business’s marina basin will take place in the water, with no impact to land and there is no potential for land conversion as a result of this project.
Environmental Justice [Executive Order 12898]	B	The proposed project does not occur in a State-identified EJ area. http://www.dec.ny.gov/docs/permits_ej_operations_pdf/suffolkejeast.pdf

		Moreover, this project is intended to provide in-kind replacement and minor new dock construction at a damaged business and support business continuity. 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 involving replacement and expansion of floating dock systems will not generate excessive noise during the short-term period of physical work, and work will adhere to local municipal noise control standards.
Toxic/Hazardous/ Radioactive Materials, Contamination, Chemicals, or Gases [24 CFR 58.5(i)(2)]	B	<p>While the Subject Property is listed as an inactive RCRA site and is on the NY Spills Incidents database for spills in 1994 and 1997, there are no reports suggesting the Subject Property remains impacted. Based on the scope of work involving only the replacement and expansion of floating docks, it is not expected to have significantly disturbed contaminated soils or groundwater. Therefore, the funded project activities do not involve actions that would involve potential recognized environmental conditions/ contamination. Therefore, a Phase I Environmental Site Assessment (ESA) or Phase II Environmental Site Assessment is not warranted. As such, no further action is required at this time. A detailed review of the Subject Property is included in the HUD Environmental Standards Review document annexed hereto as Attachment 2. Maps, site inspection documentation, and NYSDEC and EPA reports are provided in Attachment 2.</p> <p>If applicable, asbestos, lead, and radon inspections will be completed as required prior to funding being provided under the New York Rising Small Business Grant Program.</p> <p>Building or structures to be rehabilitated must conform to Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (Cited as 12 NYCRR Part 56), the National Emission Standard for Asbestos pertaining to demolition and renovation in 40 CFR 61.145, and the National Emission Standard for Asbestos</p>

		<p>pertaining to waste disposal for manufacturing, fabricating, demolition, and spraying operations in 40 CFR 61.150.</p> <p>If applicable, all project activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to, HUD's lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J. The Subject Property is not residential and, therefore, HUD's Lead Safe Housing Rules do not apply with regard to lead-based paint (LBP).</p> <p>Based on the EPA's Map of Radon Zones, the Subject Property is located within Zone 3, which is a zone that has a predicted average indoor radon screening levels less than 2 pCi/L (Low Potential). Due to the low potential for elevated indoor radon levels and that proposed work is for floating docks in an outdoor setting, no additional steps are required for radon mitigation.</p>
<p>Explosive and Flammable Operations [24 CFR Part 51 C]</p>	<p>B</p>	<p>Acceptable separation distance requirements do not apply to this rehabilitation 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 of in-kind replacement and expansion of floating docks and Pursuant to Part 51 Subpart C 'HUD-assisted project' Definition (in 51.201), it does not involve increasing residential 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.</p>
<p>Airport Clear Zones and Accident Potential Zones [24 CFR Part 51 Subpart D]</p>	<p>B</p>	<p>The proposed activities do not involve acquisition of property; therefore, this standard is NOT applicable.</p>

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.6	Status Determination (A or B)	Compliance Documentation
Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]	A	Based on the FEMA Firmette map for this property (Attachment 8), the Subject Property is located within Special Flood Hazard Area (SFHA). Proof of National Flood Insurance Program (NFIP) insurance is required. The Applicant shall be required to show proof of current flood insurance prior to closeout and, when received, proof of current flood insurance will be appended to the ERR.
Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)]	B	USFWS confirmed that the proposed project will not occur in the adjacent Coastal Barrier Resource System (CBRS) unit or otherwise protected area (OPA) on October 1, 2014. This USFWS confirmation is annexed hereto as Attachment 11 .
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]	B	The project does not involve acquisition; therefore, airport clear zone requirements are not applicable (also confirming compliance with 58.6).

Summary of Findings and Conclusions

Proposed future replacement and expansion of the floating docks at this business supports recovery of the business and surrounding community. The functional, water-dependent nature of this business necessitates location in wetland and floodplain. The main footprint/harbor of this businesses is an actively used waterfront node. Based on the land use 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.

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.

ALTERNATIVES TO THE PROPOSED ACTION

Alternatives and Project Modifications Considered [24 CFR 58.40(e), 40 CFR 1508.9]

One potential alternative is to relocate the business out of the 100-year floodplain or to another waterfront property. However, this marina is a functionally dependent water-based use. Water access and water-based land use is a central component of the business, and location in a floodplain and/or wetland is essential. Relocation is not considered a viable option for this business as other waterfront properties in this area are already developed. There does not appear to be significant amounts of ancillary non-floodplain dependent activities conducted at this location. Rather, large areas of the site are occupied by docks, bulkhead, and parking and access areas that could not be sited outside the floodplain as these are central to marina operations.

Another alternative is to replace damaged docks with more permanent-type docking, such as with pile and pier systems that cannot be removed on a temporary or seasonal basis, but may be anchored more definitively. However, the proposed floating docks, anchored onto bulkheads, are less likely to impact wetlands as there is minimal ground or underwater land disturbance required to install and use this movable type. Also, floating docks are designed such that they can be moved, rearranged, and possibly removed from the wetland/floodplain if a severe storm event is predicted, thereby allowing for active management to limit future impacts from severe storm events. Using permanent-type docking instead of the movable docks proposed is not considered a desirable option. The habitat of underwater lands beneath floating docks could benefit and be better preserved through using seasonal floating docks instead of permanent-type docking. Also, there seems to be less potential for disruption of tidal flushing and currents under the preferred action compared with permanent-type docking.

No Action Alternative [24 CFR 58.40(e)]

The “no action” alternative means that the Applicant would not receive grant funds to restore and sustain the business at this location. This option means the business would be potentially unable to survive rebuilding after the storm. Also, 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 to future storm events. This could greatly impact the business and surrounding community, as recovery would be greatly impaired due to lack of support. Accordingly, the “no action” option would neither support the business’s recovery nor help the community recover from devastating storms.

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

It is reasonable to promote business owner awareness of actions they can take to define and prepare for the impacts from the many hazards they may face. There are free resources available to aid such preparedness planning found at the link: <http://www.ready.gov/business>.

Law, Authority, of Factor	Mitigation Measure
<p>Wetland Protection [Executive Order 11990]</p>	<p>The Applicant is required to ensure work will comply with the Section 404 of the Clean Water Act. The work will be performed under USACE Nationwide Permits No. 3 (Maintenance) and No. 28 (Modifications of Existing Marinas) which provide general conditions for compliance with Section 404 of the Clean Water Act.</p> <p>The work must be performed in accordance with the NYSDEC permit ID# 1-4736-06465/00004 for work in tidal wetland and also 1-4736-06465/00005 Water Quality Certification under the Clean Water Act (Attachment 4).</p> <p>Additionally, the work must be performed in accordance with authorization from the Board of Trustees of the Freeholders and Commonality of the Town of Southampton. This permit expired on 4/1/2015 and will need to be renewed before the Applicant commences work (Attachment 4).</p> <p>The Applicant must consult with the Town of Southampton to ensure that the project will meet compliance with the Town's requirements pursuant to Chapters 325 <u>Wetlands</u>, and 169 <u>Flood Damage Protection</u> of the Town Code, as may be required.</p> <p>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.</p> <p>As a condition of the proposed funding through the CDBG-DR–Small Business Grant Program, it is construed that the Applicant will consult with all applicable federal, state and local agencies to acquire the appropriate permits for the proposed funded work before any future work is commenced.</p>

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

No Additional Studies Were Performed.

Attachments:

- Attachment 1: Project Location Maps
- Attachment 2: HUD Environmental Standards Review
- Attachment 3: SHPO No Effect Letter
- Attachment 4: Environmental Permits
- Attachment 5: NYSDEC Environmental Resource Map, USFWS National Wetland Inventory Map, NYS Coastal Boundary Map, Coastal Barrier Resource System Map
- Attachment 6: Floodplain Management (EO 11988) & Protection of Wetland (EO 11990) Determination
- Attachment 7: Coastal Consistency Determination
- Attachment 8: FEMA Firmette
- Attachment 9: SSA Map and Initial Screen Checklist
- Attachment 10: NHP Record Request Response, NHP Record Request, USFWS Determination Acknowledgement, USFWS No Effect Determination, NMFS No Objection Statement, NMFS No Effect Determination
- Attachment 11: Coastal Barrier Resource Act Determination

List of Sources that are Additional to the Attachments:

Current Nonattainment Counties for All Criteria Air Pollutants

<http://www.epa.gov/oaqps001/greenbk/ancl.html>

Freshwater Fishes of New York Shortnose Sturgeon & Atlantic Sturgeon

<http://www.dec.ny.gov/animals/7025.html>

New York State Environmental Resource Mapper

<http://www.dec.ny.gov/imsmaps/ERM/viewer.htm>

Potential Environmental Justice Areas in Suffolk County, New York

http://www.dec.ny.gov/docs/permits_ej_operations_pdf/suffolkejeast.pdf

Watershed Plans in New York State

<http://www.dec.ny.gov/chemical/99985.html>

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 one of 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 Diewers Date: 7/5/2016

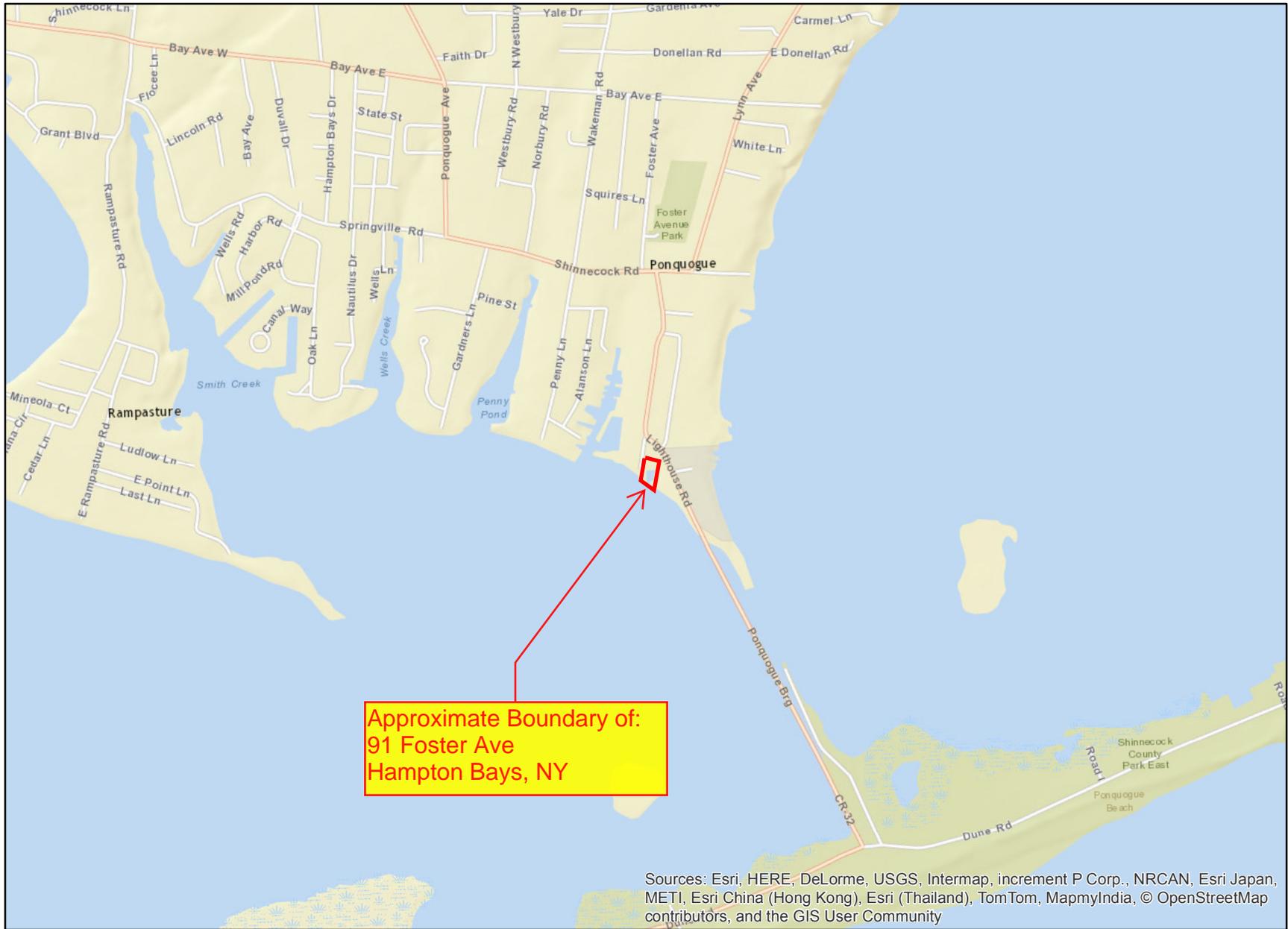
Name/Title/Organization: Tectonic Engineering & Surveying Consultants, P.C.

Certifying Officer Signature: Thomas J. King Date: 7/5/2016

Name/Title: Thomas J. King, Assistant General Counsel & Certifying Officer

Attachment 1

Project Location Maps



Approximate Boundary of:
 91 Foster Ave
 Hampton Bays, NY

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



Street Map
 91 Foster Avenue
 Hampton Bays, NY





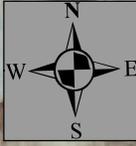
Approximate Boundary of:
91 Foster Ave
Hampton Bays, NY



Topographic Map
91 Foster Avenue
Hampton Bays, NY



Copyright:© 2013 National Geographic Society, i-cubed



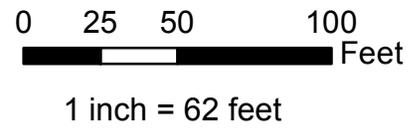
Property within the greater context of the surrounding area.



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, N.Y. 10953
845.534.5959 voice 845.534-5999 fax
www.tectonicengineering.com



East End Jet Ski
91 Foster Avenue
Hampton Bays, NY

Attachment 2

HUD Environmental Standards Review

Case 103-ED-33004-2013 HUD Environmental Standards Review

Property Address: 91 Foster Avenue, Hampton Bays, New York

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 Subject 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 Subject Property:

The Subject Property is not listed on a U.S. Environmental Protection Agency (EPA) Superfund National Priorities or CERCLA list or equivalent State list, and is not located within 3,000 feet of a toxic or solid waste landfill site. Based on review of the NYS Small Business Program Supplemental Environmental Checklist and Suffolk County Records, the Subject Property does not have an underground storage tank, and is not known or suspected to be contaminated by toxic chemicals or radioactive materials. A request for Bulk Storage records for the Subject Property was submitted to the Suffolk County Department of Health Services to corroborate site visit findings that no tanks are present on the Subject Property. The records received show that past tanks have been removed from the Subject Property.

A review of the EPA Resource Conservation and Recovery (RCRA) and NYSDEC Environmental Remediation databases lists the Subject Property as an inactive RCRA site with two spills on-site. However, there are no reports of past violations or noncompliance reported by or to the EPA in regards to the RCRA designation.

The NYSDEC has a total of two spills reported on the Subject Property, with both spills occurring and being closed for over a decade. A case being closed means the NYSDEC case manager has closed the case as either the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or the case was closed for administrative reasons (e.g., multiple reports of a single

spill consolidated into a single spill number). Therefore, the Subject Property is not suspected to remain substantially contaminated by these spills, nor by the past use of this site.

Additionally, a site inspection was performed on the Subject Property on 9/11/2014. The site inspection documents are included at the end of this report.

Surrounding Properties:

EPA properties within 1,000 feet:

- The Ponquogue Marine Basin is an EPA site located at 86 Foster Avenue, as a “Minor: General Permit Covered Facility.” This site has been reported to be noncompliant with the Clean Waters Act for the past three years, and the State has begun an Evaluation Inspection on April 23, 2014. There is a single spill reported for this site on March 7, 1997, where 15 gallons of non-PCB oil were spilled. This report was closed June 5, 1998. Due to the length of time since this spill, no significant contamination from this spill is suspected to remain.
- The U.S. Coast Guard has a base located at 100 Foster Avenue. This RCRA site has no violations reported and two spills on the property. The spill occurring in 1998 involved two gallons of diesel and has been closed. The spill on September 12, 2013 involved 400 gallons of #2 fuel oil when the equipment failed. This report was closed on September 25, 2013.

Conclusion:

While the Subject Property is listed as an inactive RCRA site and is on the NY Spills Incidents database for spills in 1994 and 1997, there are no reports suggesting the Subject Property remains impacted. Based on the scope of work involving only the replacement and expansion of floating docks, it is not expected to have disturbed contaminated soils or groundwater. Therefore, the funded project activities do not involve actions that would involve potential recognized environmental conditions/ contamination. Therefore, a Phase I Environmental Site Assessment (ESA) or Phase II Environmental Site Assessment is not warranted. As such, no further action is required at this time. Maps, site inspection documentation, and NYSDEC 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 CERCLA (otherwise known as Superfund), EPA’s Toxic Release Inventory database (TRI), and the EPA Radiation Information Database (RADInfo). RCRA includes data on small and large quantity hazardous waste material generators and handlers. EPA’s Toxic Release Inventory provides information on toxic chemical releases and waste management activities by certain industries. The RADInfo database provides information about facilities that are regulated by the U.S. EPA for radiation and radioactivity.

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 to determine if the Subject Property has an underground storage tank (which is not a residential fuel tank), or other registered storage tanks.

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- Petroleum Bulk Storage, 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 Subject Property. A desktop review of Google Earth was used in conjunction with a map of active municipal landfills (provided by the NYSDEC), and a list of landfills provided by the NYSDEC to determine whether a non-active or active landfill is located within 3,000 feet of the Subject Property.

Maps

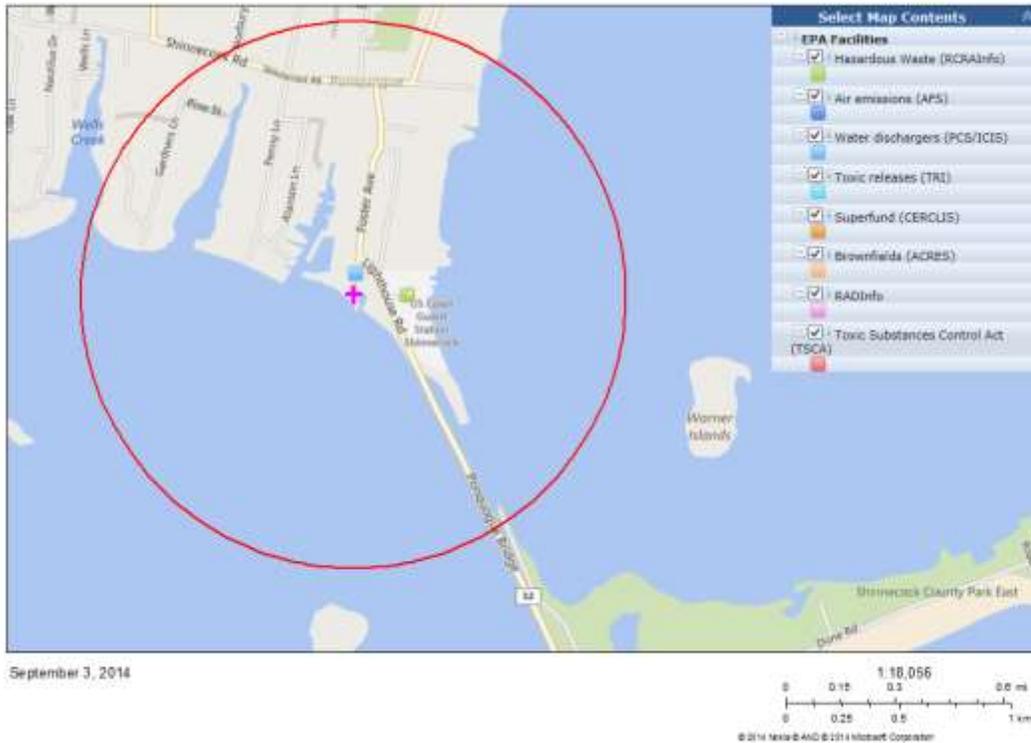


Figure 2: Hazardous waste sites and handlers (green marker), toxic release sites (blue marker), Superfund and Brownfield sites (orange markers), and facilities regulated by the U.S. EPA for radiation and radioactivity (pink marker). The Subject Property is indicated by a purple cross symbol, and a 3,000-foot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

91 Foster Avenue Subject Property



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RCRAInfo



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[Return](#)

Handler ID : NY0000526861

Results are based on data extracted on SEP-12-2014

Note: Click on the CORPORATE LINK value for links to that company's environmental web pages.
Click on the MAPPING INFO value to obtain mapping information for the facility.

The facility information data within the output below can be downloaded in a comma-separated value file for use in Excel by clicking here: [Download Table as CSV File](#)

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HANDLER NAME: ARCATÉ PROPERTY HANDLER ID: NY0000526861
STREET: 91 FOSTER AVENUE FACILITY INFORMATION: [View Facility Information](#)
CITY: HAMPTON BAYS CORPORATE LINK: No
STATE: NY COUNTY: SUFFOLK
ZIP CODE: 11946-3227 MAPPING INFO: [MAP](#)
EPA REGION:
LATITUDE: -40.85005 LONGITUDE: -72.505

CONTACT INFORMATION

NAME	STREET	CITY	STATE	ZIP CODE	PHONE	TYPE OF CONTACT
	FOSTER AVE	HAMPTON BAYS	NY	11946		Public
ROBERT ARCATÉ	91 FOSTER AVE	HAMPTON BAYS	NY	11946	5167288060	Permit

Ponquogue Marine Basin Inc EPA Facility Report

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Facility Summary

PONQUOQUE 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
 Industry: Indian Country: N
[Go To Facility/System Characteristics](#)

Regulatory Interests
 Clean Air Act: No Information
 Clean Water Act: Minor, Permit Effective (NYR00ER72)
 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

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	0	0	0	0	0

EPA Compliance Status by Quarter

Compliance Monitoring History (5 years)												
Statute	Source ID	Current Compliance Status	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
CWA	110041244150	Noncompliance	Compliant									

Compliance Summary Data												
Statute	Source ID	Current Compliance Status	Qtrs in NC	Qtrs in Significant Violation	Informal Enforcement Actions	Formal Enforcement Actions	Penalties from Formal Enforcement Actions	EPA Cases	Penalties from EPA Cases			
CWA	110041244150	Noncompliance	12	0	0	0	0	0	0			

Three Year Compliance Status by Quarter												
Statute	Source ID	Compliance Status	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
CWA	110041244150	Noncompliance	Compliant									

US Coast Guard

RCRA Summary Report


United States Environmental Protection Agency
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RCRAInfo



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Handler ID: NY2690308026

Results are based on data extracted on SEP-12-2014
Note: Click on the CORPORATE LINK value for links to that company's environmental web pages.
 Click on the MAPPING INFO value to obtain mapping information for the facility.

[Download Table as CSV File](#)

The facility information data within the output below can be downloaded in a comma-separated value file for use in Excel by clicking here.

[Go To Bottom Of The Page](#)

HANDLER NAME: US COAST GUARD **HANDLER ID:** NY2690308026
STREET: 100 FOSTER AVE **FACILITY INFORMATION:** [View Facility Information](#)
CITY: HAMPTON BAYS **CORPORATE LINK:** No
STATE: NY **COUNTY:** SUFFOLK
ZIP CODE: 119463298 **MAPPING INFO:** [MAP](#)
EPA REGION:
LATITUDE: 40.850028 **LONGITUDE:** -72.503795

CONTACT INFORMATION

NAME	STREET	CITY	STATE	ZIP CODE	PHONE	TYPE OF CONTACT
ALAN JACOBSON	FOSTER AVE	HAMPTON BAYS	NY	119463298	5167280078	Public
ALAN JACOBSON	100 FOSTER AVE	HAMPTON BAYS	NY	119463298	5167280078	Permit
ALAN JACOBSON	FOSTER AVE	HAMPTON BAYS	NY	119463298	5167280078	Permit

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

91 Foster Avenue
Subject Property

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 9703950

Spill Date/Time

Spill Date: 07/01/1997 Spill Time: 03:00:00 PM
Call Received Date: 07/01/1997 Call Received Time: 03:33:00 PM

Location

Spill Name: EAST END JET SKI
Address: 91 FOSTER AVENUE
City: HAMPTON BAYS County: SUFFOLK

Spill Description

Material Spilled	Amount Spilled	Resource Affected
Gasoline	UNKNOWN	Soil

Cause: Equipment Failure
Source: Commercial/Industrial
Waterbody:

Record Close

Date Spill Closed: 09/03/1998

"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.

Foster Avenue Spills *Nearby Spills*

Spill Incidents Database Search Results

Record Count: 12 Rows: 1 to 12

[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.	8908982	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.	9404221	06/25/1994	EAST END JET SKI	SUFFOLK	HAMPTON BAYS	FOSTER AVE
7.	9614228	03/07/1997	Spill Number 9614228	SUFFOLK	HAMPTON BAYS	86 FOSTER AVE/LIGHTHOUSE
8.	9703950	07/01/1997	EAST END JET SKI	SUFFOLK	HAMPTON BAYS	91 FOSTER AVENUE
9.	9801762	05/11/1998	USCG	SUFFOLK	HAMPTON BAYS	100 FOSTER AVENUE
10.	0102726	06/12/2001	BAY WATCH HOTEL & MARINA	SUFFOLK	HAMPTON BAYS	FOSTER AVENUE
11.	0812427	02/13/2009	UNKNOWN	SUFFOLK	HAMPTON BAYS	LIGHTHOUSE ROAD & FOSTER AVENUE
12.	1308211	09/12/2013	USCG SHINNECOCK STATION	SUFFOLK	HAMPTON BAYS	100 FOSTER AVE

US Coast Guard *All Spills*

Spill Incidents Database Search Results

Record Count: 2 Rows: 1 to 2
[Export XLS](#) | [Export CSV](#)

	Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address
1.	9801782	05/11/1998	USCG	SUFFOLK	HAMPTON BAYS	100 FOSTER AVENUE
2.	1306211	09/12/2013	USCG SHINNECOCK STATION	SUFFOLK	HAMPTON BAYS	100 FOSTER AVE

Spill #1306211

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
 Spill Number: 1306211

Spill Date/Time

Spill Date: 09/12/2013 Spill Time: 01:30:00 PM
 Call Received Date: 09/12/2013 Call Received Time: 02:00:00 PM

Location

Spill Name: USCG SHINNECOCK STATION
 Address: 100 FOSTER AVE
 City: HAMPTON BAYS County: SUFFOLK

Spill Description

Material Spilled	Amount Spilled	Resource Affected
#2 Fuel Oil	400.00 Gal.	Unknown

Cause: Equipment Failure
 Source: Institutional, Educational, Gov., Other
 Waterbody: NONE

Record Close

Date Spill Closed: 09/25/2013

"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.

County Bulk
Storage Records

***** TANK COMPLIANCE INSPECTION DATA SHEET ***** PAGE 1
11/21/2014

File Ref No.: 07483
 Reg No : 9-0491
 Permit Issued :
 INSP TYPE: TANK ANNUAL []
 TANK REINGP []
 TANK RECON []

Facility : EAST END JET SKI
 Street : 9 CANOE PLACE RD
 Community : HAMPTON BAYS, NY 11946
 Phone : (631) 728-8060

Fac Operator: EAST END JET SKI
 Mailing Addr: 9 CANOE PLACE RD HAMPTON BAYS, NY 11946

0900 229.00 002 010.000 Inspection Zone: 3 Rank: R10

Tnk No	Location	Tank Capacity	Tank Contents	Off Use	PO Issued	Date Rmvd	Last Insp	Insp Code
1	ABOVE OUT	275	GASOLINE	95REM		10/06/95	10/18/95	P1
2	ABOVE OUT	275	GASOLINE	95REM		10/06/95	10/18/95	P1
3	ABOVE OUT	330	DRUM STORAGE	95REM		10/18/95	10/18/95	P1

Tank No: 1
 Loc1 : 02 ABOVE - OUT
 Capacity: 275 Units: Unknown
 Special Type: UNKNOWN Special Use: UNKNOWN Building:

Contents: 01 GASOLINE Int Prot: 00 NONE
 Container: 01 STEEL/ IRON Sec Con: 00 NONE
 Leak Det: UNKNOWN Ext Corr Prot: UNKNOWN
 Overfill: 00 Not Installed Spill Prev: UNKNOWN
 Dispenser: 03 GRAVITY Fill Type: 03 GRAVITY
 Pipe Type: UNKNOWN Pipe Loc: UNKNOWN
 Corr Prot: UNKNOWN Pipe Cont: UNKNOWN
 Pipe Leak Det: UNKNOWN

Tank No: 2
 Loc1 : 02 ABOVE - OUT
 Capacity: 275 Units: Unknown
 Special Type: UNKNOWN Special Use: UNKNOWN Building:

Contents: 01 GASOLINE Int Prot: 00 NONE
 Container: 01 STEEL/ IRON Sec Con: 00 NONE
 Leak Det: UNKNOWN Ext Corr Prot: UNKNOWN
 Overfill: 00 Not Installed Spill Prev: UNKNOWN
 Dispenser: 03 GRAVITY Fill Type: 03 GRAVITY
 Pipe Type: UNKNOWN Pipe Loc: UNKNOWN
 Corr Prot: UNKNOWN Pipe Cont: UNKNOWN
 Pipe Leak Det: UNKNOWN

***** TANK COMPLIANCE INSPECTION DATA SHEET ***** PAGE 2
11/21/2014

Ref No.: 07483
No : 9-0491
Permit Issued :
Facility : EAST END JET SKI
Street : 9 CANOE PLACE RD
Community : HAMPTON BAYS, NY 11946
Phone : (631) 728-8060

Fac Operator: EAST END JET SKI
Mailing Addr: 9 CANOE PLACE RD HAMPTON BAYS, NY 11946

Tank No: 3 Status: 03 REMOVED
Loc1 : 02 ABOVE - OUT Loc2 : UNKNOWN
Capacity: 330 Units: Unknown
Special Type: 01 DRUM STORAGE Special Use: UNKNOWN Building:
Contents: 15 DRUM STORAGE Int Prot: UNKNOWN
Container: 99 UNKNOWN Sec Con: UNKNOWN
Leak Det: UNKNOWN Ext Corr Prot: UNKNOWN
Overfill: 00 Not Installed Spill Prev: UNKNOWN
Dispenser: 00 NONE Fill Type: 00 NONE
Pipe Type: UNKNOWN Pipe Loc: UNKNOWN
Corr Prot: UNKNOWN Pipe Cont: UNKNOWN
Pipe Leak Det: UNKNOWN

***** ADD UNREGISTERED TANKS HERE - CONTINUE ON BACK *****

--	--	--	--	--	--	--	--	--	--

Date of Insp: _____ Name of Insp/Eng: _____
Facility Rep: _____ Title: _____

- ***** VIOLATIONS NOTED: [Y] [N] *****
- EPA SOC: 1) [] RP & RD IN COMPLIANCE
2) [] RP VIOLATION, RD IN COMPLIANCE
3) [] RP IN COMPLIANCE, RD VIOLATION
4) [] RP & RD BOTH IN VIOLATION
5) [] N/A - NOT EPA REGULATED
6) [] N/D - NOT DETERMINED

***** KEYED ON _____ BY _____ *****

7-16-44 returned call to Ron (728-8060) left message w/ 3
7-20-44 Ron called back and I told him to submit in the
cloud. I would send registration pads for both locations
(78-44-4246) ^{SOOT}

11-95 Mr. Keadle called and will fix letter + receipt for
it so fine can be recalculated & return

15-95 Told Mr. Keadle to send two checks for this site:
1 check for \$85 for one tank and \$1174 for 600 plus notes
C. Will send registration forms.

Oxford

© 1981/75

NO. 752 1/2

9-16-94 Returned call to Ron (728-8060) left message w/ sec
9-20-94 Ron called back and I told him to submit in-kind
plans. I would send registration packet for both locations
(78-94-4246) ^{SENT}

5-11-95 Mr. Deade called and will pay letter + receipt for
tank so fine can be recalculated & return

5-15-95 Told Mr. Deade to send two checks for this site:
one check for \$85 for one tank and \$1174 for OOC plus holding
OOO. Will send registration forms.

Oxford

ESSELTE

NO. 752 1/2

SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES

372083

CASH RECEIPT

RECEIVED FOR Bluebonnet Eight 400 0032 AMOUNT CF 993 DATE 5/18 19 88 .X

NAME East End Int Sls CENTER PROVIDING SERVICE _____

REFERENCE NO 9-0441 18 91-4244 TV Act 12 5/14/85

FROM PAYMENT FOR PREVIOUS SERVICE

FROM Michael Cove Marine HEALTH CENTER HHS MH CENTER
9 Currier Place Rd ENVIRONMENTAL DA TB
Hampton VA 23046 PHCP PP OPR
 CITY STATE ZIP CODE

FORM OF PAYMENT 105-11 OTHER _____ X
 CERTIFIED CHECK CHECK CASH

COPY 1 PAYER COPY 2 ADMINISTRATION COPY 3 PAYEE BY C. M. M. 10

Sanitary Code as specified below. Because of such alleged non-compliance, the above-named Respondent consents and agrees to the issuance of this Order on Consent and agrees to be bound by the terms, provisions and conditions stated herein.

Respondent understands that by entering into this Order on Consent with the Department, it is affirmatively and voluntarily waiving its right to a formal adjudicatory proceeding with respect to the matters herein addressed. Although the Department will not pursue further enforcement action with respect to the specific alleged violations of law set forth below if the above-named Respondent enters into this Order on Consent and abides by its terms, Respondent understands that the Department is not agreeing to forbearance from pursuing enforcement action regarding alleged violations not addressed by this Order on Consent. Moreover, Respondent understands that notwithstanding its execution of this Order on Consent, its failure to strictly comply with all of the terms, provisions and conditions herein contained will revive the Department's rights regarding the violations alleged as set forth below subject to a set-off for any penalties already paid pursuant to this Order on Consent. Furthermore, Respondent is hereby advised that this Order on Consent, duly executed by Respondent's agent and the Commissioner or his duly authorized representative, has the force and effect of a Commissioner's Order, the violation of which is subject to penalties as provided in Section 760-218 of Article 2 of the Suffolk County Sanitary Code for each day or part of a day on which a violation or failure continues. Further, the Department recognizes that there is no admission of fault or guilt by Respondent concerning violations alleged in this Order on Consent.

A modification of any of the provisions of this Order on Consent may be requested by submission of a written request demonstrating good and sufficient cause for the change or extension requested. No modification of this Order on Consent shall be effective unless and until it is specifically set forth in writing by the Department.

COUNTY OF SUFFOLK
DEPARTMENT OF HEALTH SERVICES

.....X
In the Matter of the Alleged Violation of
Article 12 of the Suffolk County Sanitary
Code, by

Order on Consent
No. TS-94-4248
Date: 09/12/94-5/14/95
Fac. # 9-0491

ROBERT ARCATE
2056 53RD. ST
BROOKLYN, NY 11220

EAST END JET SKI
9 CANOE PL. RD.
HAMPTON BAYS, NY 11946

Respondent(s).

..... X
GENERAL PROVISIONS

This department alleges that the above-named Respondent has failed to comply with the provisions of the Suffolk County Sanitary Code as specified below. Because of such alleged non-compliance, the above-named Respondent consents and agrees to the issuance of this Order on Consent and agrees to be bound by the terms, provisions and conditions stated herein.

Respondent understands that by entering into this Order on Consent with the Department, it is affirmatively and voluntarily waiving its right to a formal adjudicatory proceeding with respect to the matters herein addressed. Although the Department will not pursue further enforcement action with respect to the specific alleged violations of law set forth below if the above-named Respondent enters into this Order on Consent and abides by its terms, Respondent understands that the Department is not agreeing to forbearance from pursuing enforcement action regarding alleged violations not addressed by this Order on Consent. Moreover, Respondent understands that notwithstanding its execution of this Order on Consent, its failure to strictly comply with all of the terms, provisions and conditions herein contained will revive the Department's rights regarding the violations alleged as set forth below subject to a set-off for any penalties already paid pursuant to this Order on Consent. Furthermore, Respondent is hereby advised that this Order on Consent, duly executed by Respondent's agent and the Commissioner or his duly authorized representative, has the force and effect of a Commissioner's Order, the violation of which is subject to penalties as provided in Section 760-218 of Article 2 of the Suffolk County Sanitary Code for each day or part of a day on which a violation or failure continues. Further, the Department recognizes that there is no admission of fault or guilt by Respondent concerning violations alleged in this Order on Consent.

A modification of any of the provisions of this Order on Consent may be requested by submission of a written request demonstrating good and sufficient cause for the change or extension requested. No modification of this Order on Consent shall be effective unless and until it is specifically set forth in writing by the Department.

Order on Consent

T8-94-4248

SPECIFICATION OF ALLEGED VIOLATIONS

It is alleged that Respondents, above-named failed to comply with the following provisions of the Suffolk County Sanitary Code as indicated below:

1. On January 2, 1990, and each day thereafter, Respondent(s) violated Section 760-1207 and/or Section 760-1210 and/or Section 760-1211 and/or Section 760-1213 and/or Section 760-1214 of the Suffolk County Sanitary Code by failing to modify or remove the following storage facilities for toxic or hazardous materials listed below which are located at 9 Canoe Pl. Rd., Hampton Bays, New York, as required by Article 12 of the Suffolk County Sanitary Code:

<u>TANK NUMBER</u>	<u>CONTENTS</u>	<u>VOLUME</u>
1	Petroleum	275 gal.
2	Petroleum	275 gal.

SPECIFIC TERMS AND CONDITIONS

In satisfaction of the above-named Respondent's alleged violations of the Suffolk County Sanitary Code, Respondent agrees to the entering and issuance of this Order of the Commissioner of the Department of Health Services, and Respondent agrees to be bound by the terms and conditions following, as well as by the above General Provisions:

1. Respondent(s) shall, within 15 days of Respondent(s) signing this Order on Consent, submit a properly completed "Suffolk County Department of Health Services Toxic Liquid Storage Registration Form", together with the appropriate registration fees, for any storage facility for toxic or hazardous materials (hereinafter, "FACILITY" or "FACILITIES") at the site indicated above of this Order on Consent (hereinafter, "SITE"), requiring registration under Article 12 of the Suffolk County Sanitary Code that has not been previously registered by the Respondent(s).
2. Respondent(s) shall, within 120 days of Respondent(s) signing this Order on Consent, remove all FACILITIES located at the SITE which do not fully comply with the provisions and standards of the Suffolk County Sanitary Code in a manner acceptable to the Suffolk County Department of Health Services (hereinafter, DEPARTMENT).
3. Respondents shall notify the DEPARTMENT at least two working days (Monday through Friday) in advance of the removal any FACILITIES as a representative of the DEPARTMENT must be present to witness the removal.

OK
ETA

4. In satisfaction of the alleged violations herein, in addition to the above terms, provisions and conditions, Respondent(s) agree to pay the fine of \$2,356.26. This fine shall be paid to the order of the Suffolk County Department of Health Services and shall be remitted with the return of this Order on Consent duly executed (signed and notarized) by the Respondent(s). Respondent(s) understand that the DEPARTMENT has based its determination of fines on Respondent's registration submittals and/or inspections by representatives of the DEPARTMENT. Respondent(s) also understand that failure to register storage facilities for toxic or hazardous material is a violation of Article 12 of the Suffolk County Sanitary Code, and shall be considered a violation of this Order on Consent.

The Respondent herein named acknowledges the authority and jurisdiction of the Commissioner of the Suffolk County Department of Health Services to issue the foregoing Order on Consent, and Respondent voluntarily waives public hearing in this matter and agrees to be bound by the terms, conditions and provisions of this Order on Consent.

Dated: 5-16-91 Respondent: EAST END JET SKI INC
By: (Signature) Robert Arcate Pres
(printed) Robert Arcate
Order on Consent #: TS-94-4248 Title: Pres
Corporation: EAST END JET SKI
Telephone: 516 225-8060
Facility
Name: _____
Facility
Location: 9 CANAL PLAZA RD
Hampton Bays NY 11946

State of New York)
County of Suffolk)

On the 16 of May, 1991, before me personally came Robert Arcate to me known, who being duly sworn, deposed and said that she/he resides at 2 St John's Rd HB NY, that she/he is President of Respondent firm or corporation, and that she/he signed her/his name as authorized by said corporation with full authority to do so.

Ronald J Arcate
Notary Public

RONALD J. ARCATÉ
NOTARY PUBLIC, State of New York
4856370, Suffolk County
Commission Expires March 17, 1992. **CONSENT BY COMMISSIONER**

The Commissioner of the Suffolk County Department of Health Services agrees to waive further administrative enforcement action against Respondent named herein, and the Commissioner agrees to accept the Respondent's consent to the entry and issuance of this Order in full satisfaction of the department's allegations herein listed, PROVIDED THAT Respondent duly executes this Order and strictly adheres to all of its terms, conditions and provisions.

Dated: 5/26/93 Mary E. Hibberd, M.D., M.P.H.
Commissioner
Suffolk County Department of
Health Services
By: _____

SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES

370380

CASH RECEIPT

RECEIVED For wood AMOUNT of 500 DATE 9/5 1994

FOR NAME Mariner's Cove Marine

CENTER PROVIDING SERVICE
TV Art

REFERENCE NO 90228 75-90-1494

PAYMENT FOR PREVIOUS SERVICE

FROM Mariner's Cove Marine

9 Cange Place Road

Hampton Bay, NY 11946

CITY STATE ZIP CODE

- HEALTH CENTER
- ENVIRONMENTAL
- PHCP
- 1915
- DA
- FP
- MH CENTER
- TB
- CPR

FORM OF PAYMENT 5544

CERTIFIED CHECK CHECK CASH

OTHER
REC'D
X
BY C. MAHO

COPY 1 PAYER COPY 2 ADMINISTRATION COPY 3 PAYEE

07482

~~13392~~

OFFICE OF SUFFOLK
DEPARTMENT OF HEALTH SERVICES

In the Matter of the Alleged Violation of
Article 12 of the Suffolk County Sanitary
Code, by

Order on Consent
No. 75-90-1494
June 27, 1990

Robert Arcate
~~2055 East 93 Street~~
~~Brooklyn, NY~~
Att:

Cook's Mariners Cove
9 Canoe Place Rd.
Hampton Bays, NY 11946
Facility # 90228

Respondent.

GENERAL PROVISIONS

This department alleges that the above-named Respondent has failed to comply with the provisions of the Suffolk County Sanitary Code as specified below. Because of such alleged non-compliance, the above-named Respondent consents and agrees to the issuance of this Order on Consent and agrees to be bound by the terms, provisions and conditions stated herein.

Respondent understands that by entering into this Order on Consent with the Department, it is affirmatively and voluntarily waiving its right to a formal adjudicatory proceeding with respect to the matters herein addressed. Although the Department will not pursue further enforcement action with respect to the specific alleged violations of law set forth below if the above-named Respondent enters into this Order on Consent and abides by its terms, Respondent understands that the Department is not agreeing to forbearance from pursuing enforcement action regarding alleged violations not addressed by this Order on Consent. Moreover, Respondent understands that notwithstanding its execution of this Order on Consent, its failure to strictly comply with all of the terms, provisions and conditions herein contained will revive the Department's rights regarding the violations alleged as set forth below subject to a set-off for any penalties already paid pursuant to this Order on Consent. Furthermore, Respondent is hereby advised that this Order on Consent, duly executed by Respondent's agent and the Commissioner or his duly authorized representative, has the force and effect of a Commissioner's Order, the violation of which is subject to penalties as provided in Section 760-118 of Article 2 of the Suffolk County Sanitary Code for each day or part of a day on which a violation or failure continues. Further, the Department recognizes that there is no admission of fault or guilt by Respondent concerning violations alleged in this Order on Consent.

A modification of any of the provisions of this Order on Consent may be requested by submission of a written request demonstrating good and sufficient cause for the change or extension requested. No modification of this Order on Consent shall be effective unless and until it is specifically set forth in writing by the Department.

Order on Consent No. T5

SPECIFICATION OF ALLEGED VIOLATIONS

It is alleged that Respondent, above-named failed to comply with the following provisions of the Suffolk County Sanitary Code as indicated below:

On January 2, 1990, and each day thereafter, Respondent violated Section 760-1210 and/or Section 760-1211 and/or Section 760-1213 of the Suffolk County Sanitary Code by failing to modify or replace the storage facilities (as defined in Section 760-1203.a of Article 12) for toxic or hazardous materials located at the above referenced location (listed in Attachment A to this Order on Consent) as required by Article 12 of the Suffolk County Sanitary Code.

SPECIFIC TERMS AND CONDITIONS

In satisfaction of the above-named Respondent's alleged violations of the Suffolk County Sanitary Code, Respondent agrees to the entering and issuance of this Order of the Commissioner of the Department of Health Services, and Respondent agrees to be bound by the terms and conditions following, as well as by the above General Provisions:

1. By January 1, 1991, Respondent shall bring all storage facilities for toxic or hazardous materials located at the above referenced location into compliance with Section 760-1210 and Section 760-1211 and Section 760-1213 of Article 12 of the Suffolk County Sanitary Code, and obtain a valid Permit to Operate for each and every storage facility.
2. Respondent shall subject all underground storage facilities used for the storage of toxic or hazardous materials which have not been modified or removed in accordance with the requirements of Article 12 of the Suffolk County Sanitary Code to a tank system tightness test. The tank system tightness test must be administered by a contractor certified by the Suffolk County Department of Health Services to perform this test. A certificate of test completion of the tank tightness test must be received by the Farmingville office of the Department, located at 15 Horseblock Place, Farmingville 11738, on or before January 1, 1991. Respondent understands Tank system tightness testing does not waive or abridge the requirements of Item #1 of this Order on Consent.

3. Department will waive the requirement to tightness test underground storage facilities referred to in Item #2 above if Respondent's noncomplying storage facilities are removed in a manner acceptable to the Department on or before December 31, 1990. Respondent shall notify the Department (telephone number 516 451-4631) at least two work days (Monday through Friday) prior to removal as a representative of the Department must be present. Removal of a facility without a representative of the Department being present to inspect the soil around the removed facility for evidence of facility failure is a violation of this Order on Consent. In the event that a facility is removed without a Department representative being present, Respondent will be required at Respondent's expense to immediately remove all fill or cover placed into the space formerly occupied by the facility so that an inspection of the soil can be performed by a representative of the Department.
4. In the event that the tank system tightness testing required in Item #2 of the Specific Terms and Conditions of this Order on Consent finds that an underground storage facility for toxic or hazardous material (and/or its associated piping, fittings and connections) is leaking, Respondent shall immediately empty the leaking facility of all contents therein, and remove said leaking facility from service in accordance with the requirements of Article 12 of the Suffolk County Sanitary Code. Respondent understands that emptying the contents of a storage facility for toxic or hazardous materials does not waive or abridge any of the penalties or fees referred to in this Order on Consent.
5. Respondent understands that installation of any storage facility for toxic or hazardous material requires approval by the Department and receipt of a valid Permit to Construct prior to commencing installation.
6. Respondent agrees that in the event that Respondent fails to meet any term or condition of this Order on Consent, the Department shall be entitled to payment by Respondent of a stipulated penalty of \$.0025 per gallon nominal capacity of the noncomplying storage facilities existing for each and every day of noncompliance with this Order on Consent. To exercise this right for collection of additional penalty payments, the Department will provide Respondent with a written notice of penalties due. Each such notice shall contain the specific information as to the nature of the violation(s) of this Order on Consent; the date(s) of the violation(s), and the amount of penalties due. Respondent shall pay all penalties assessed by the Department in this manner within thirty (30) days after the Department mails the notice of penalties due. Failure to make payment within such period of time shall be deemed a violation of this Order on Consent, and in addition, shall subject Respondent to additional payment to the Department of five hundred (\$500) dollars for each day that the payment is late.

7. After January 1, 1991, Respondent annually shall subject all underground storage facilities used for the storage of toxic or hazardous materials, which have not been modified or removed in accordance with Article 12 of the Suffolk County Sanitary Code, to a tank system tightness test administered by a contractor certified by the Department to perform this test. A certificate of test completion of the tank tightness test must be received by the Farmingville office of the Department, located at 15 Horseblock Place, Farmingville 11738, within the time frame set forth in Section 760-1210 of Article 12 of the Suffolk County Sanitary Code.
8. In satisfaction of the alleged violations herein, in addition to the above terms, provisions and conditions, Respondent agrees to pay the fines listed in Attachment A to this order on Consent. This fine shall be paid to the Suffolk County Department of Health Services and shall be remitted with the return of this Order on Consent duly executed (signed and notarized) by the Respondent. Respondent understands that the Department has based its determination of fines on Respondent's registration submittals and/or inspections by representatives of the Department. Respondent also understands that failure to register storage facilities for toxic or hazardous material is a violation of Article 12 of the Suffolk County Sanitary Code, and shall be considered a violation of this Order on Consent.

ATTACHMENT A
Facility No. 90228
Order on Consent No. T5-90-1494

05/03/1990

Tank Number	Volume	Contents Type	Fine
1	1,000	PETROLEUM	250
2	4,000	PETROLEUM	250

			\$500

...ent herein named acknowledges the authority and
... of the Commissioner of the Suffolk County Department
... Services to issue the foregoing Order on Consent, and
...ent voluntarily waives public hearing in this matter and
... to be bound by the terms, conditions and provisions of
... his Order on Consent.

Dated: 8/28/91 Respondent: _____
By: (Signature) Robert Arcate
(printed) Robert Arcate
Title: President
Corporation: Manner's Cove Marine Inc
Telephone: (516) 728-0286
Facility
Name: Manner's Cove Marine Inc.
Facility
Location: 9 Canal Place Rd
Hampton Bay, NY

State of New York }
County of Suffolk }

On the 28th of August, 1991, before me personally came
Robert Arcate to me known, who being duly sworn, deposed
and said that she/he resides at 2 St Johns Rd, Hampton Bay, NY
that she/he is President of Respondent firm or
corporation, and that she/he signed her/his name as authorized by
said corporation with full authority to do so.

CYNTHIA GRACE HERRICK
NOTARY PUBLIC, State of New York
#4786227, Suffolk County
Comm. Expires January 31, 1992

Cynthia Grace Herrick
Notary Public

CONSENT BY COMMISSIONER

The Commissioner of the Suffolk County Department of Health
Services agrees to waive further administrative enforcement
action against Respondent named herein, and the Commissioner
agrees to accept the Respondent's consent to the entry and
issuance of this Order in full satisfaction of the department's
allegations herein listed, PROVIDED THAT Respondent duly executes
this Order and strictly adheres to all of its terms, conditions
and provisions.

Dated: 10/1/91 David Harris, M.D., M.P.H.
Commissioner
Suffolk County Department of
Health Services
By: _____

7
10

50:91 NOV 16-88-50

Ref No.: 07619
No : 9-0492
Permit Issued :

Facility : EAST END JET SKI***OCB***
Street : 91 POSTER AVE
Community : HAMPTON BAYS, NY 11946
Phone : (631) 728-8060

Fac Operator: ROBERT ARCATE
Mailing Addr: 9 CANOE PL RD HAMPTON BAYS, NY 11946

***** ADD UNREGISTERED TANKS HERE - CONTINUE ON BACK *****

--	--	--	--	--	--	--	--	--	--

Date of Insp: _____ Name of Insp/Eng: _____

Facility Rep: _____ Title: _____

***** VIOLATIONS NOTED: [V] [N] *****

- EPA SOC: 1) [] RP & RD IN COMPLIANCE
- 2) [] RP VIOLATION, RD IN COMPLIANCE
- 3) [] RP IN COMPLIANCE, RD VIOLATION
- 4) [] RP & RD BOTH IN VIOLATION
- 5) [] N/A - NOT EPA REGULATED
- 6) [] N/D - NOT DETERMINED

* KEYED ON _____ BY _____

FILE # 7619

800

SUFFOLK COUNTY DEPT. OF HEALTH SERVICES
UNIFORM COMPLAINT FIELD REPORT

Air Pollution <input type="checkbox"/>	SCDHS No. <u>IU 95-122</u> Letter <input type="checkbox"/>
Hazardous Material & Industrial Waste <input checked="" type="checkbox"/>	SPILL No. _____ Telephone <input checked="" type="checkbox"/>
Internal Ventilation <input type="checkbox"/>	DOT No. _____ Person <input type="checkbox"/>
Sewage Treatment <input type="checkbox"/>	Date <u>8/23/95</u> Time <u>10:15</u>
Assigned to Zone No. <u>III</u> <input type="checkbox"/>	COMPLAINANT IDENTITY CONFIDENTIAL

Referred by: DIANE SCHNEIDER (FMS UNIT) Phone 2-2067
 Complainant: ANON
 Address: _____ (T.V.H.) Phone _____

Complaint Against: JET SKI RENTAL FACILITY (EAST END JET SKI)
 Address: END OF FORSTER AVE (T.V.H.) HAMPTON BAYS Phone _____
 Cross street: JUST WEST OF HANQUOGUE BRIDGE Alt 1249-0892

Nature of Request: BELOW GROUND TANKS USED FOR FILLING JET SKIS
OWNER: RUDY ARCADE

RCVD by: R. SEYMATH Assigned to: _____ Date: _____

Persons Interviewed: RUDY ARCADE (OWNER OF JET SKI) Address: 9 CANOE PL. HAMPTON BAYS Phone: 778-8660

Information Obtained from Interviewed Individuals:
 TO INSPECTORS: Please do not use proper names in this section.
78-94-4246 CALLS FOR 2 4/6 TANKS AT SITE - OPEN-E DESIGNATION IN
 DATA BASE. TANKS NOT REGISTERED AS OF THIS DATE
9/18/95, P.M. (FI) ADVISED ME HE DOES NOT HAVE B/G TANKS, AT EITHER OF HIS FACILITIES, BUT DOES HAVE TWO A/G GAS TANKS, AT HIS FORSTER AVE. LOCATION, ONE OF WHICH IS TO BE EMPTIED + REMOVED TODAY

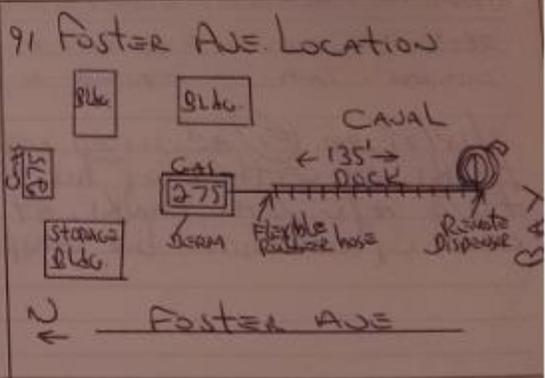
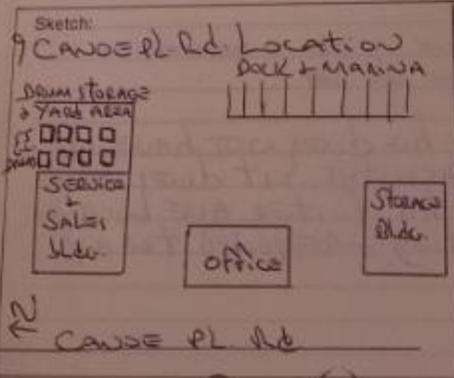
Inspector's Observations

9/18/95 11:00 AM. Noted two 275 gal. alc-out-plastic tanks at the Foster Ave. Haint Bay Location. One of the big tanks noted facility closed One of the above ground tanks, ads to canal is pipe with flexible hose to remote fill. 135' S of tank, tank stored within beam. Not known what product is stored in tank, possibly used for gasoline. 2:00 PM. Returned to site with R. Arcate & noted the 275 gal. tank not stored in beam was being emptied, advised by Roy Arcate, tank to be disposed of. See Art 12 Recon insp. Report. Both tanks used for gasoline storage.

Name of Responsible Individuals: East End Jet Ski
 Address: 91 Foster Ave Haint Bay
 Tel. No: 728-8060

Inspector's Recommendation to Persons Concerned: advised Roy Arcate, all his tanks & drums must be stored to Art. 12 Specs & properly Rec'd prior NOU issued 6/30/94

Information Related by Inspector to Complainant: 9/19/95, adv. advised J. Ojala via phone, to advise D. Schweidler. Facility was inspected & their tanks being addressed by Dept.



Inspector's Signature: Brian F. Cothran
 Date: 9/19/95

SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES
 INDUSTRIAL WASTE AND HAZARDOUS MATERIALS CONTROL
 15 HORSEBLOCK PLACE, FARMINGVILLE, N.Y. 11738
 (516) 854-2901

NAME OF FACILITY EAST END JETSKI	OWNER ROBERT ARCATO	PAGE 1 OF 1
COMPANY NAME SAME	CONTACT RON ARCATO	TEL 738-8060
PLANT ADDRESS 91 FOSTER AVE. 9th Rd	VILLAGE Hampton Bays	ZIP 11946
Mailing ADDRESS 9 Cause Pl. Rd. Hampton Bays, N.Y. 11946		
DATE 9/18/95	TIME 1:45 PM	ORG PERIODIC
		WASTE NO WASTE HAZ WASTE PUBLIC SYSTEM

ART. 12 # 9-0492, Recon:

91 Foster Ave. Location:

Noted 2-275 G.L. A/G. Out, Gas tanks, w. dispensers, one stored in brick berm. Also noted & was advised by R. Arcate the one 275 (not stored) in berm, to be emptied & disposed of, today.

9 Cause Pl Rd. Location:

Noted 8-55 G.L., stored outdoors, of oil, ANTERZ, hyd. Also noted the 2-275 G.L. out, A/G, Gas & diesel tanks, found on insp. of 6/30/94, have been removed & cut up.

Advised Ron Arcate, all his drums & tanks, both facilities, must be properly rec'd & stored to current city codes.

Brian F Cook

MARINER'S COVE MARINE INC.

9 Canoe Place Road
Hampton Bays, NY 11946
(516) 728-0286

R- 7619

9-0492

October 16, 1995

Ms. Estelle Kahn
Enforcement Bureau
Suffolk County Health Department
15 Horseblock Place
Farmingville, NY 11738-1220

Dear Estelle:

Please be advised that Tank No. 1 listed on the enclosed page should be 275 gallons, not 550 gallons, and as of September 5, 1995, the day after Labor Day, this tank has been out of service and will continue in that state until Memorial Day Week-End 1996.

We would also like to inform you of the fact that all of the violations have been corrected.

Thank you in advance for your attention to this matter.

Very truly yours,

MARINER'S COVE MARINE, INC.


Robert Arcate

RA:bo

Enc.

COUNTY OF SUFFOLK



ROBERT J. GAPPNEY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

MARY E. HENBERG, M.D., M.P.H.
COMMISSIONER

REQUEST FOR ENFORCEMENT ACTION
Confidential: Not for Freedom of Information

TO: ENFORCEMENT SECTION

DATE: 10-14-95

FROM: BUREAU OF ENVIRONMENTAL ENGINEERING

Please prepare an enforcement action against the following facility for violations of Article 12 as indicated below:

Respondent Information

Site Name and Address:

EASTEND JET SKI
91 FORTA RD
HAUPTON BAYS, NY

Owner Name and Address:

SAR

Fac. I.D. No: 920492

SCIM:

District Section Block Lot

The above named facility failed to complete the following lawful requirement pursuant to Article 12 of the Suffolk County Sanitary Code:

- Test Tank(s) Remove UST Installation w/o PC
- Register Tanks Remove AST Const. to SCDES Standards
- Obtain PO Other (specified below)

Section _____ For _____
 Section _____ For _____
 Section _____ For _____
 Section _____ For _____

All notification attempts have been made to the above named facility, the facility operators and the facility owners. The Bureau requests that the Enforcement Section convene a hearing to resolve the violations outlined above.

Attached to this request are the following supporting documents:

- Tank Test Notification
- Registration/Change Form
- OP Permit Fee Statement
- Copy of Plans/Sketch
- Construction Insp Report
- Tank Listing
- Field Insp Report
- Registration Notification Letter
- Engineering Letter
- Tank Test Report
- OPP Phone Memo Form
- Other (Specify Below):

FILE SEARCH COMPLETION:

Industrial File Art. 12 File Registration
T File OOC#: _____ Status Code OOC: _____

Requested By: _____

(Signature)

Facility END JET SKI				OWNER EAST END JET SKI			
91 FOSTER AVE				91 FOSTER AVE			
HAMPTON BAYS NY 11946 (516) 728-8060				HAMPTON BAYS NY 11946 (516) 728-8060			
300	374.0	2	4.0	Reg No 9-0452 File Ref No 5-7619 Fac Op Issued for Months			

TNK No	LOCATION	VOLUME	CONTENTS	TANK MATRL	OFF USE	P ISSUE DATE	DATE RMVD	INSPECTION CODE / DATE
1	ABOVE CUT	560 375	GASOLINE	PLNSTL	85			F-14-10/6/95
2	ABOVE CUT	275	GASOLINE	PLNSTL	95 nem		10/6/95	P-1-10/4/95

***** ADD UNREGISTERED TANKS HERE - CONTINUE ON BACK *****

Date of Insp: 10/6/95 Name of Insp/Eng: B. COOK
Facility Rep: ZWA Title: cut

* KEYED ON 10/13/95 BY Kanaka Kanaka *

log + Rele
T-8

9-0492
SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES
BUREAU OF ENVIRONMENTAL POLLUTION CONTROL
INSPECTION REQUEST FORM

- HAZARDOUS MATERIALS MANAGEMENT WASTEWATER MANAGEMENT
 AIR POLLUTION / SOLID WASTE ENFORCEMENT

FACILITY NAME/ADDRESS: East End Jet Ski
Footers Ave

INFORMATION REQUIRED: Please determine status of tanks circled on attached printout. They were supposed to have been removed or upgraded and are under a Consent Order. (if they are still non-complying and in use, more fines will follow)

REMARKS/REPLY: Please Tell them this & and have them call me at 854-2536

10/6/95 TANK #2 REMOVED. TANK #1 STILL IN PLACE. AT UGLUMPS SHOWN & ADVISED BY OWNER, HE PLANS ON UPGRADING TANK TO STANDARD.

B. Cook

RETURN TO Ed Kayserowicz

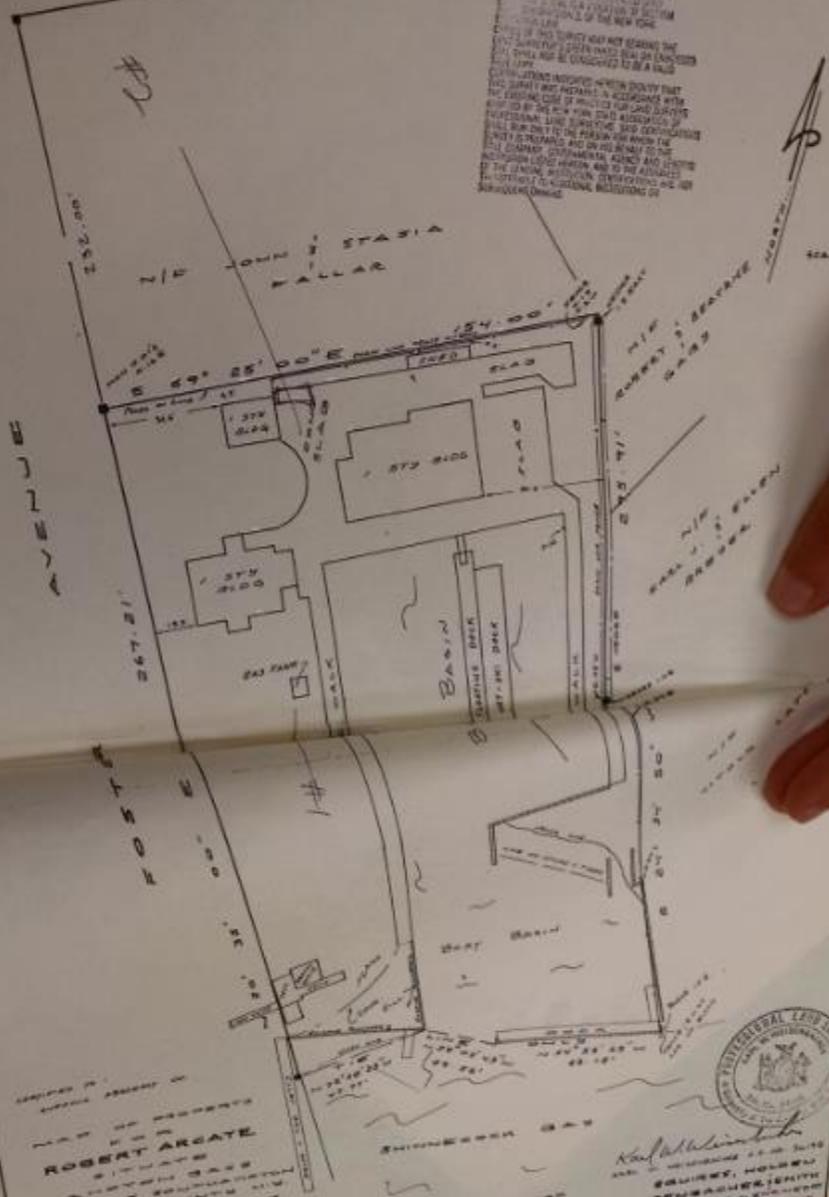
RETURN BY SC

DATE OF REQUEST 10/4/95

DATE RETURNED 10-12-95/ffe

LIGHTHOUSE RD.

THIS PLAN IS A REVISION OF THE PLAN OF THE LIGHTHOUSE RD. SUBDIVISION OF THE NEW YORK STATE DEPARTMENT OF CONSTRUCTION AND PLANNING. THE PLAN IS SUBJECT TO THE PROVISIONS OF THE SUBDIVISION MAPS ACT AND TO THE REGULATIONS OF THE DEPARTMENT OF CONSTRUCTION AND PLANNING. THE PLAN IS SUBJECT TO THE PROVISIONS OF THE SUBDIVISION MAPS ACT AND TO THE REGULATIONS OF THE DEPARTMENT OF CONSTRUCTION AND PLANNING. THE PLAN IS SUBJECT TO THE PROVISIONS OF THE SUBDIVISION MAPS ACT AND TO THE REGULATIONS OF THE DEPARTMENT OF CONSTRUCTION AND PLANNING.



SCALE 1" = 20'

OWNER: JOHN & JOE
APPLICANT: AUG. 17, 1943 (CORRECT)

SUBDIVISION MAPS ACT
SECTION 220
SECTION 221
SECTION 222



ROBERT ARCADE
AREA: 25,342 SQ. FT. (0.58 AC.)

Reference No. 9-7619

* COPY SENT TO SUPERVISOR

SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES
INDUSTRIAL WASTE AND HAZARDOUS MATERIALS CONTROL
15 HORSEBLOCK PLACE, FARMINGVILLE, N.Y. 11730
(516) 461-4633

NAME OF FACILITY	EAST END JETSKI		OWNER OFFICER	Robert Arcate		VIOLATIONS NOTED	YES	NO
COMPANY NAME	MARINERS COVE MARINA		CONTACT	ROB ARCATE		TEL	737-8060	
PLANT ADDRESS	91 Foster Ave	90 th St	VILLAGE	Hampton Bay		ZIP	11946	
MAILING ADDRESS	Main office - 9 Cane Rd		Hampton Bay	NY	11946	HIDRO	4	
PROPERTY OWNER	Robert Arcate							
DATE	6/30/94	TIME	7:30 AM	ORIG	PER	RE	SAMPLE	
INDUSTRY	JETSKI/BOATS SALES/REPAIR		ART 1	YES	NO	ART 10	YES	NO
HEATING SYSTEM - MFG NAME			ART 12	YES	NO	ART 13	YES	NO
NUMBER OF DRUMS	INDOORS	OUTDOORS	NUMBER OF TANKS	ABOVEGROUND	UNDERGROUND	NUMBER OF OPEN PROCESS TANKS	PICK UP RECORDS	AVAILABLE
9	0	0	4	0	0	0	YES	NO
SCAVENGER	Safety Kleen, Inc		FUEL TYPE	OIL		FIRING RATE	23782 g/c	
			REMARKS	PUBLIC		SYSTEM	PRIVATE	
			VOLUME GENERATED					

Advised Rob Arcate that his outdoor storage of tanks, drums, of oil, gas & diesel, is not permitted, without valid operating permits & approved storage area, & that no more than 250 lbs of toxic haz mtl is permitted, without secondary containment & valid registration. Art 12 perm issued. N.O.O. issued

Waste Receipt presented

INDUSTRIAL WASTES MUST NOT BE DISCHARGED TO THE GROUND OR DISPOSED OF IN A DUMPSTER, BUT MAY ONLY BE TRANSPORTED AND DISPOSED OF BY A LICENSED INDUSTRIAL WASTE SCAVENGER FOR AN APPROVED LIST CONTACT THE N.Y.S. D.E.C. AT 751 - 7900

REINSPECTION SCHEDULED ON OR AFTER _____ FAILURE TO CORRECT UNSATISFACTORY CONDITIONS BY REINSPECTION DATE MAY RESULT IN A HEARING AND OR FINE.
PERMISSION IS GRANTED BY THIS FACILITY TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES TO CONDUCT ROUTINE SAMPLING OF CESSPOOLS, STORMDRAINS, AND OTHER DISCHARGE POINTS AT THE FACILITY.

SIGN. OF PERSON REC. REPORT: Rob Arcate TITLE: _____ INSPECTOR: Bryan L. Lee TJK 12

18-1442 (7/20)

INDW-1



NO.	PROCESS	FACILITY	CHEMICALS USED AND APPROXIMATE QUANTITY	DISCHARGE		
				LIQUID	AIR	
					CONTROL TYPE	EP
①	Sales Counter,	Capee P.C. Facility				
	various parts & associated acct.					
②	Service Area	Capee P.C. Facility				
	REPAIR, SERVICE					
	Set Skis & outboards					
	① - parts wash =	Capee P.C. Facility	10 Gals. SOLU.			
③	Storage Yard Area,	Capee P.C. Facility				
	North side, outdoor					
	Storage various boats & set skis					
	Drum Storage Area	Capee P.C. Facility				
	① - 275 G.L. singwith tank	Capee P.C. Facility	275 Gals. GAS with			
	① - 275 G.L. singwith tank	Capee P.C. Facility	275 Gals. DIESEL DISPENSER			
		Capee P.C. Facility	2-55 G.L. motor oil @ 55 gal oil			
		Capee P.C. Facility	2-55 G.L. HYD. OIL @ 55 gal oil			
		Capee P.C. Facility	① - 55 G.L. ANT. PRZ @ 55 gal oil			
	Foster Ave. Facility	Foster Ave. Facility				
①	Small Marina & Dock,					
	Storage of rental set skis					
	② - 275 G.L. singwith tanks, dispensers	Foster Ave. Facility	275 G.L. GAS, EA.			

Foster Ave
3100 Au
374
4

FOSTER AVE
 900
 374
 4
 CANOE PL RD
 0900
 229
 2
 10

SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES
 DIVISION OF ENVIRONMENTAL HEALTH SERVICES
 BUREAU OF ENVIRONMENTAL POLLUTION CONTROL

NOTICE OF VIOLATION

Issued to (Company) EAST END SETSK
 (address) 9 CANOE PL RD, HAMPTON BAYS NY
 delivered to ROD ARCADE
 On (date, time) 6/30/94, 11:30 AM

TAKE NOTICE THAT, on Thursday at 11:30 in the (time)
 noon, at the location of 91 FOSTER AVE, 9 CANOE PL RD HAMPTON BAYS
 you were found to be in violation of Article(s) 12 of the Suffolk County Sanitary Code
 as described below.

DATE	CODE SECTION	REMARKS	DATE VIOLATION CORRECTED
6/30/94	1207	You did store two 275 gal, outdoor above ground single wall steel tanks, with dispensers, for the storage of gasoline, or other toxic, haz mtl's, at your FOSTER AVE, HAMPTON BAYS location, without valid permits. You also stored two 275 gal outdoor above ground single wall steel tanks, 955 gal drum oil, at Canoe Pl facility, without valid permits.	
6/30/94	1211	Art 12 Rkt issued	
"	1215		

TAKE FURTHER NOTICE THAT, pursuant to Article 3 of the New York State Public Health Law, Article 2 of the Suffolk County Sanitary Code provides that any non-compliance or non-conformance with any provision of the Suffolk County Sanitary Code shall constitute a violation, punishable on conviction by a fine not exceeding \$250 or by imprisonment for not exceeding 15 days or by both.

TAKE FURTHER NOTICE THAT, Article 2 of the Suffolk County Sanitary Code provides that any person violating its terms or a lawful order or regulation made thereunder, shall be subject to a civil penalty of not more than \$500 per violation for each day such violation continues.

Issued by [Signature]

ROBERT J. GAFFNEY
 COUNTY EXECUTIVE

MARY E. HIBBERD, M.D., M.P.H.
 COMMISSIONER

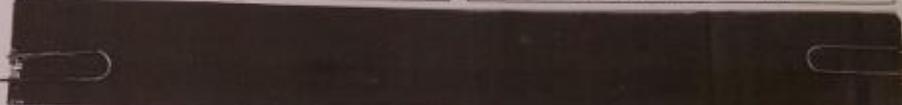
SUFFOLK
 DEPARTMENT OF



COUNTY
 HEALTH SERVICES

SUFFOLK COUNTY DEPT. OF HEALTH SERVICES
UNIFORM COMPLAINT FIELD REPORT

Air Pollution _____ <input type="checkbox"/>	SCDHS No _____ Letter <input type="checkbox"/>
Hazardous Material & Industrial _____	SPILL No _____ Telephone <input checked="" type="checkbox"/>
Waste <u>IN 94-93</u> <input checked="" type="checkbox"/>	DOT No _____ Parcel <input type="checkbox"/>
Internal Ventilation _____ <input type="checkbox"/>	Date <u>6-26-94</u> Time <u>9:35</u>
Sewage Treatment _____ <input type="checkbox"/>	COMPLAINANT IDENTITY CONFIDENTIAL
Assigned to Zone No _____ <input type="checkbox"/>	

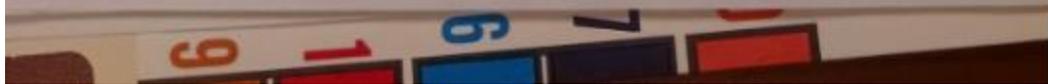


Complaint Against East End Jet Ski
Address 70 Bay Avenue (T.V.H.) Hampton Bay Phone _____
Cross street Next to Coast Guard Station

Nature of Request They have installed an a/g gasoline storage tanks allegedly about a year ago. It was leaking. They also have a hose running to the
RCVD by van Assigned to _____ Date _____



Information Obtained from Interviewed Individuals:
TO INSPECTORS: Please do not use proper names in this section.
edge of the bay. (about 100' of house.)
6/30/94, 9:30am
He advised me he does have 2 ^{out} 2-16-275
GL. Gas tanks at his Foster Ave. location & 2-275 fuel
GL. Gas + Diesel at his (now) Rd. facility & thought
they were being stored properly.



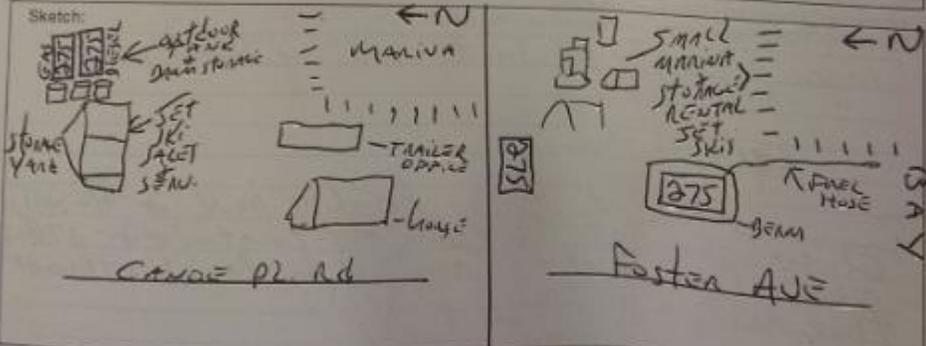
Inspector's Observations 6/30/94 AM

Noted 4-275 Gal. a/c-out, several
GAL & diesel tanks at both Foster Ave. &
Canaie pl. rd. Locations. N.D.C. issued.
ART. 12 PKT. issued. See Insp. Report.

Name of Responsible Individual(s) EAST END SET SKI Address 9 Canaie Pl. Rd. Huntington NY 11743 Tel. No. 725-8060

Inspector's Recommendation to Persons Concerned advised Ron Arcate, his
TANKS, do not meet city codes & to have
them properly registered & store them to current city
codes or remove them properly.

Information Related by Inspector to Complainant



Inspector's Signature Bryan F. Cook Date 6/30/94

SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES
CASH RECEIPT

372082

RECEIVED FOR One Year License AMOUNT \$ 1174 DATE 5/19/88 X

NAME East End 3rd St CENTER PROVIDING SERVICE TV 4112 W41

REFERENCE NO. 90442 TV 4112

FROM PAYMENT FOR PREVIOUS SERVICE

NAME East End 3rd St HEALTH CENTER HHS MH CENTER

ADDRESS 91 3rd St ENVIRONMENTAL DA TS

CITY Hampton STATE VA ZIP CODE 23060 PHCP FP OPR

FORM OF PAYMENT CERTIFIED CHECK CHECK CASH OTHER _____

COPY 1 PAYER COPY 2 ADMINISTRATION COPY 3 PAYEE REC'D. BY C. MAO

GENERAL PROVISIONS

This department alleges that the above-named Respondent has failed to comply with the provisions of the Suffolk County Sanitary Code as specified below. Because of such alleged non-compliance, the above-named Respondent consents and agrees to the issuance of this Order on Consent and agrees to be bound by the terms, provisions and conditions stated herein.

Respondent understands that by entering into this Order on Consent with the Department, it is affirmatively and voluntarily waiving its right to a formal adjudicatory proceeding with respect to the matters herein addressed. Although the Department will not pursue further enforcement action with respect to the specific alleged violations of law set forth below if the above-named Respondent enters into this Order on Consent and abides by its terms, Respondent understands that the Department is not agreeing to forbearance from pursuing enforcement action regarding alleged violations not addressed by this Order on Consent. Moreover, Respondent understands that notwithstanding its execution of this Order on Consent, its failure to strictly comply with all of the terms, provisions and conditions herein contained will revive the Department's rights regarding the violations alleged as set forth below subject to a set-off for any penalties already paid pursuant to this Order on Consent. Furthermore, Respondent is hereby advised that this Order on Consent, duly executed by Respondent's agent and the Commissioner or his duly authorized representative, has the force and effect of a Commissioner's Order, the violation of which is subject to penalties as provided in Section 760-218 of Article 2 of the Suffolk County Sanitary Code for each day or part of a day on which a violation or failure continues. Further, the Department recognizes that there is no admission of fault or guilt by Respondent concerning violations alleged in this Order on Consent.

A modification of any of the provisions of this Order on Consent may be requested by submission of a written request demonstrating good and sufficient cause for the change or extension requested. No modification of this Order on Consent shall be effective unless and until it is specifically set forth in writing by the Department.

SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES

372082

CASH RECEIPT

RECEIVED	One Personal Care Worker	AMOUNT	\$174	DATE	5/19/85	X
FOR	CENTER PROVIDING SERVICE					
NAME	East End 3rd St	TV Aids				W/S
REFERENCE NO.	9-0492 TR-44428					
FROM	<input type="checkbox"/> - PAYMENT FOR PREVIOUS SERVICE					
NAME	East End 3rd St	<input type="checkbox"/> HEALTH CENTER	<input type="checkbox"/> HHS	<input type="checkbox"/> MH CENTER		
ADDRESS	11 1/2 St. St.	<input type="checkbox"/> ENVIRONMENTAL	<input type="checkbox"/> DA	<input type="checkbox"/> TR		
CITY	Hampton	<input type="checkbox"/> PHCP	<input type="checkbox"/> PP	<input type="checkbox"/> OPH		
STATE	VA	OTHER				
ZIP CODE	23062	REC'D				
FORM OF PAYMENT	<input type="checkbox"/> CERTIFIED CHECK <input checked="" type="checkbox"/> CHECK <input type="checkbox"/> CASH					
COPY 1 PAYER	COPY 3 ADMINISTRATION	BY				C. MADD

GENERAL PROVISIONS

This department alleges that the above-named Respondent has failed to comply with the provisions of the Suffolk County Sanitary Code as specified below. Because of such alleged non-compliance, the above-named Respondent consents and agrees to the issuance of this Order on Consent and agrees to be bound by the terms, provisions and conditions stated herein.

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A modification of any of the provisions of this Order on Consent may be requested by submission of a written request demonstrating good and sufficient cause for the change or extension requested. No modification of this Order on Consent shall be effective unless and until it is specifically set forth in writing by the Department.

Order on Consent

TS-94-4246

SPECIFICATION OF ALLEGED VIOLATIONS

It is alleged that Respondents, above-named failed to comply with the following provisions of the Suffolk County Sanitary Code as indicated below:

1. On January 2, 1990, and each day thereafter, Respondent(s) violated Section 760-1207 and/or Section 760-1210 and/or Section 760-1211 and/or Section 760-1213 and/or Section 760-1214 of the Suffolk County Sanitary Code by failing to modify or remove the following storage facilities for toxic or hazardous materials listed below which are located at 91 Foster Ave., Hampton Bays, New York, as required by Article 12 of the Suffolk County Sanitary Code:

<u>TANK NUMBER</u>	<u>CONTENTS</u>	<u>VOLUME</u>
1	Petroleum	275 gal.
2	Petroleum	275 gal.

SPECIFIC TERMS AND CONDITIONS

In satisfaction of the above-named Respondent's alleged violations of the Suffolk County Sanitary Code, Respondent agrees to the entering and issuance of this Order of the Commissioner of the Department of Health Services, and Respondent agrees to be bound by the terms and conditions following, as well as by the above General Provisions:

1. Respondent(s) shall, within 15 days of Respondent(s) signing this Order on Consent, submit a properly completed "Suffolk County Department of Health Services Toxic Liquid Storage Registration Form", together with the appropriate registration fees, for any storage facility for toxic or hazardous materials (hereinafter, "FACILITY" or "FACILITIES") at the site indicated above of this Order on Consent (hereinafter, "SITE"), requiring registration under Article 12 of the Suffolk County Sanitary Code that has not been previously registered by the Respondent(s).
2. Respondent(s) shall, within 120 days of Respondent(s) signing this Order on Consent, remove all FACILITIES located at the SITE which do not fully comply with the provisions and standards of the Suffolk County Sanitary Code in a manner acceptable to the Suffolk County Department of Health Services (hereinafter, DEPARTMENT).
3. Respondents shall notify the DEPARTMENT at least two working days (Monday through Friday) in advance of the removal any

(Signature)

FACILITIES as a representative of the DEPARTMENT must be present to witness the removal.

4. In satisfaction of the alleged violations herein, in addition to the above terms, provisions and conditions, Respondent(s) agree to pay the fine of \$2,640.00. This fine shall be paid to the order of the Suffolk County Department of Health Services and shall be remitted with the return of this Order on Consent duly executed (signed and notarized) by the Respondent(s). Respondent(s) understand that the DEPARTMENT has based its determination of fines on Respondent's registration submittals and/or inspections by representatives of the DEPARTMENT. Respondent(s) also understand that failure to register storage facilities for toxic or hazardous material is a violation of Article 12 of the Suffolk County Sanitary Code, and shall be considered a violation of this Order on Consent.

The Respondent herein named acknowledges the authority and jurisdiction of the Commissioner of the Suffolk County Department of Health Services to issue the foregoing Order on Consent, and Respondent voluntarily waives public hearing in this matter and agrees to be bound by the terms, conditions and provisions of this Order on Consent.

Dated: 5-16-95 Respondent: EAST END JET SKI, INC.
By: (Signature) [Signature]
(printed) Robert Arcate
Title: Pres
Corporation: EAST END JET SKI, INC.
Telephone: 516 725-8060
Facility
Name: _____
Facility
Location: 91 Foster Ave
Hampton Bays N.Y. 11746

State of New York)
County of Suffolk)

On the 16 of May, 1995, before me personally came Robert Arcate to me known, who being duly sworn, deposed and said that she/he resides at 2 St. James Pl. HBS NY 11746, that she/he is President of Respondent firm or corporation, and that she/he signed her/his name as authorized by said corporation with full authority to do so.

RONALD J. ARCADE
NOTARY PUBLIC, State of New York
4854370, Suffolk County
Commission Expires March 17, 1998

[Signature]
Notary Public

CONSENT BY COMMISSIONER

The Commissioner of the Suffolk County Department of Health Services agrees to waive further administrative enforcement action against Respondent named herein, and the Commissioner agrees to accept the Respondent's consent to the entry and issuance of this Order in full satisfaction of the department's allegations herein listed, PROVIDED THAT Respondent duly executes this Order and strictly adheres to all of its terms, conditions and provisions.

Dated: 5/20/95
Mary E. Hibberd, M.D., M.P.H.
Commissioner
Suffolk County Department of
Health Services
By: [Signature]

...
COUNTY OF SUFFOLK
DEPARTMENT OF HEALTH SERVICES
...X

In the Matter of the Alleged Violation of
Article 12 of the Suffolk County Sanitary
Code, by

Order on Consent
No. T8-94-4246
Date: 09/06/94 S/MS/RS
Fac. # 9-0492

ROBERT L. ARCATE
2 ST. JOHNS RD.
HAMPTON BAYS, NY 11946

EAST END JET SKI
9 CANOE PL. RD.
HAMPTON BAYS, NY 11946

EAST END JET SKI
91 FOSTER AVE.
HAMPTON BAYS, NY 11946

Respondent(s).

.....X

GENERAL PROVISIONS

This department alleges that the above-named Respondent has failed to comply with the provisions of the Suffolk County Sanitary Code as specified below. Because of such alleged non-compliance, the above-named Respondent consents and agrees to the issuance of this Order on Consent and agrees to be bound by the terms, provisions and conditions stated herein.

Respondent understands that by entering into this Order on Consent with the Department, it is affirmatively and voluntarily waiving its right to a formal adjudicatory proceeding with respect to the matters herein addressed. Although the Department will not pursue further enforcement action with respect to the specific alleged violations of law set forth below if the above-named Respondent enters into this Order on Consent and abides by its terms, Respondent understands that the Department is not agreeing to forbearance from pursuing enforcement action regarding alleged violations not addressed by this Order on Consent. Moreover, Respondent understands that notwithstanding its execution of this Order on Consent, its failure to strictly comply with all of the terms, provisions and conditions here contained will revive the Department's rights regarding the violations alleged as set forth below subject to a set-off of any penalties already paid pursuant to this Order on Consent. Furthermore, Respondent is hereby advised that this Order on Consent, duly executed by Respondent's agent and the Commissioner or his duly authorized representative, has the force and effect of a Commissioner's Order, the violation of which is subject to penalties as provided in Section 760-218 of Article 2 of the Suffolk County Sanitary Code for each day or part of a day which a violation or failure continues. Further, the Department understands that there is no admission of fault or guilt.

(MS)

***** FACILITY FIELD INSPECTION FORM ***** PAGE 1
09/21/2000

File Ref No.: 07619
Reg No.: 3-0492
Permit Issued: 06/01/1999
Facility: EAST END JET SEI (A.O.B.)
Street: 91 POSTER AVE
Community: HAMPTON BAYS, NY 11946
Phone: (516) 728-9068

Log of file

Owner: MARINERS COVE MARINA
Mailing Addr: 9 CANOE PL RD HAMPTON BAYS

0300 374.00 002 804.000

Tank No	Location	Tank Capacity	Tank Contents	Tank Mat'l	Off Use	PO Issued	Date Rmvd	Last Insp	Insp Code
1	ABOVE OUI	275	Gasoline	PLNSTL	99003 n/a/n			10/06/95 7/29/00	P1
2	ABOVE OUI	275	Gasoline	PLNSTL	9998M		10/06/95	10/06/95	P1

***** ADD UNREGISTERED TANKS HERE - CONTINUE ON BACK *****

--	--	--	--	--	--	--	--	--	--

Date of Insp: 7/29/00 + 10/12/00 Name of Insp/Eng: Mill & Lee
Facility Rep: (A.O.B.) Title:

KEYED ON 10/12/00 BY Pam Rausch

Downs -
Please verify Tank # 1, issue -
TANK # 1
- FACILITY APPEARS TO HAVE BEEN CLOSED FOR SEVERAL YEARS
- TANK IS NO LONGER ON SITE

ATTACHMENT A

OPERATING PERMIT RENEWAL ***** DELINQUENT *****

Registration No. 9-0492 EAST END JET SKI
51 FOSTER AVE HAMPTON BAYS

09/21/2000

Tank Number	Volume	Contents
1	275	Gasoline
	275	Total gallons.

AMOUNT DUE is \$25.00 for 12 months.
Permit Began 06/01/2000 and expires on 05/31/2001

Please include registration number and Tax id no. on your check

COUNTY OF SUFFOLK



ROBERT J. GAFFNEY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

09/21/2000

CLARE B. BRADLEY, M.D., MPH.
COMMISSIONER

Registration No.: 9-0492

TOXIC/HAZARDOUS MATERIAL STORAGE FACILITY OPERATING PERMIT RENEWAL
SECOND NOTICE

The records of Suffolk County Department of Health Services indicate that you have not as yet responded to the subject renewal notification. Article 12, section 760-1207 of the Suffolk County Sanitary Code mandates that any person, partnership, company or corporation that owns or operates a toxic/hazardous material storage facility within Suffolk County must have a valid permit to operate. Enclosed is a listing of those tanks, drum storage areas and/or dry bulk storage bins which our database reflects are either owned or operated by you or your company. Based on this information, included on this listing is the fee for the Operating Permit.

You can renew your operating permit by remitting the amount indicated on your statement within the next thirty (30) days. Please forward your check to:

Suffolk County Department of Health Services
15 Horseblock Place
Farmingville, New York 11738-1274

Failure to renew your permit places you, or your company, in violation of the Suffolk County Sanitary Code and subjects you to fines and penalties.

If you require assistance, or wish to notify the department of a change in the status of your toxic/hazardous materials storage facility, please contact Alexander Santino, P.E., at (631) 854-2529.



Practical Solutions, Exceptional Service

CDBG-DR NEPA SITE INSPECTION FORM (24 CFR 58.5 COMPLIANT FIELD REVIEW FOR ACTIVITIES)

Purpose: For an Activity falling under the 24 CFR 58.35(a), Categorical Exclusion, HUD requires responsible entities comply with criteria, standards, policies and regulations in accordance with the laws and regulations, applicable under the relevant criteria of 24 CFR 58.5, in order to ensure proper review of all laws and authorities. This Site inspection form is to be used by personnel to make observations, record data and generally document site conditions in support of a complete review under each of the applicable environmental review criteria define Sited in 24 CFR 58.5. It is essential that field personnel are prepared based on prior desktop review and research, to the extent practicable, prior to conducting the site inspections and exercise diligent care in the filed inspection portion of the review process to assure that all reasonable measures are taken to (identify and) mitigate HUD's exposure.

The following information shall be collected by qualified personnel, as applicable and reasonably ascertainable, in the field as conditions allow.

GENERAL SITE INFORMATION

APPLICANT ID: 103-ED-33004-2013 PROJECT #: _____

PREPARER NAME/COMPANY: James Williams DATE: 9/11/2014

WEATHER/TEMP (F): 73 TIME ON SITE: 1:00 pm TIME OFF SITE: 2:00 pm

STREET ADDRESS: 91 Foster Ave., Hampton Bays, NY 11946

OTHER STREETS THAT BOUND OR ABUTT THE SITE: None

PROPERTY DESCRIPTION (BUSINESS NAME, RESIDENTIAL, LAND USE, ETC.): _____

East End Jet Ski is a jet ski rental facility with a snack bar and fishing station. There is also a rental home located on the property.

APPLICANT: Ronald Arcate

PRESENT OWNER: _____
(if different from above)

OWNERS AUTHORIZED REPRESENTATIVE: _____
(Name/Title)

YEAR BUILDING BUILT (if known): 1940

HEATING FUEL: Propane X

PHOTOGRAPHS OF BUILDING AND PROPERTY (*Describe and Reference*):

CDBG-DR NEPA SITE INSPECTION FORM
APPLICANTS ID: 103-ED-33004-2013

HUD ENVIRONMENTAL STANDARDS

VISUAL INSPECTION OF BUILDING INTERIOR:

- A) **ASBESTOS-CONTAINING MATERIAL:** None
-
- B) **LEAD-BASED PAINT (FOR RESIDENTIAL PROPERTIES, CONSTRUCTED ON OR BEFORE 1978):** None
-
- C) **UNIVERSAL WASTE:** None
-
- D) **HAZARDOUS WASTE:** None
-
- E) **MOLD (any noticeable odor i.e. musty):** None

ADDITIONAL:

1. ***Request Copies of Asbestos Assessment Reports, from Owner.***
2. ***Request Copies of Lead Assessment Reports from Owner, if Applicable (Residential built on or before 1978).***

VISUAL INSPECTION OF EXTERIOR PROPERTY:

As stated in 585 (2)(i) - It is HUD policy that all properties that are being proposed for use in HUD programs 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. The following checklist will need to be completed for applications and associated reviews falling under categorically excluded as it pertains to 58.35 (a) to thoroughly assess the site condition and to note any environmental issues that may be present on site.

GENERAL SITE WALK-OVER (Walk perimeter and interior)

A) SITE DESCRIPTION

Existing Structures (size, condition, age, use): The house is approx. 60' x 40' and appears to be in good condition. The snack bar is approx. 15' x 30' and appears to be in good condition. The fishing station is approx. 40' x 80' and appears to be in poor condition.

Bedrock observed: **NO**

CDBG-DR NEPA SITE INSPECTION FORM
APPLICANTS ID: 103-ED-33004-2013

B) SITE CHECKLIST

Enter number for description or comment – **Take picture of concern.**
 Enter "No" if not observed or not applicable.

- No Evidence of land alteration (fill placement, roads, etc.)
- No Evidence of landfilling, building foundations trash, debris, etc.
- 4 Evidence of depressions, excavations, septic tanks, drywells, etc.
- No Evidence of water supply wells, monitoring wells, fill pipes or borings
- 1 Evidence of Aboveground/Underground Storage tanks, fill holes
- No Fuel pumps or old fuel island (including, marina's and docks)
- No Soil Staining, sheen on or discoloration of water, veg distress
- No ANY NOTICABLE ODORS OR SMELLS

INTERVIEWS

Onsite interviews conducted (if available/applicable) of potentially knowledgeable parties such as: owner, user, government contacts.

I met with owner, Donald Acrate, who showed me around the property. The residence on the property is a rental property and there was no access to the interior at the time of the inspection as it was currently being rented. There was one propane tank located next to the house. There are also four septic tank on the property according to the applicant.

Preparer Signature: _____

Date: 9/11/2014

This original, signed document and related supporting material will be retained on file for possible use by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 5838) and in accordance with record keeping requirements for the HUD program(s).

Attachment 3

New York State Historic Preservation
Office (SHPO) No Effect Letter



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

June 13, 2016

Josh Gomez
Tectonic Engineers
70 Pleasant Hill Road
Mountainville, NY 10953

Re: GOSR/ NYSHCR
Applicant ID #1-4736-06465/00004 & 103-ED-33004-2013
East End Jet Ski, Inc. Floating Docks
91 Foster Avenue, Hampton Bays/ Suffolk County

16PR03919

Dear Mr. Gomez:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Title 54, Section 306108 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 other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based on this review, it is the opinion of SHPO that there will be No Historic Properties Affected by the proposed undertaking.

If I can be of further assistance, please contact me at (518) 268-2187 or Larry.moss@parks.ny.gov

Sincerely,

Larry K Moss, Historic Preservation Technical Specialist

CC: Kim Croshier
Thomas King, GOSR

Attachment 4

Environmental Permits

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1

SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790

P: (631) 444-0365 | F: (631) 444-0360

www.dec.ny.gov

February 16, 2016

Mr. Robert Arcate
75 Howard Circle
Staten Island NY 10301

Re: Permit ID 1-4736-06465/00004
Oscar's Fishing Station / East End Jet Ski
91 Foster Avenue
Hampton Bays
SCTM # 900-374-2-4
Expiration Date: 2/15/2026

Dear Permittee:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6 NYCRR, Part 621) we are enclosing your permit. Please carefully read all permit conditions contained in the permit to ensure compliance during the term of the permit. If you are unable to comply with any conditions, please contact us at the above address.

Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather, and a Notice of Commencement / Completion of Construction. Please note, the permit sign and Notice of Commencement / Completion of Construction form are sent to either the permittee or the facility application contact, not both.

Sincerely,



Matthew R. Penski
Environmental Analyst 1

cc: Ronald J. Arcate
Habitat-TW
File



Department of
Environmental
Conservation



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
ROBERT ARCATE
75 HOWARD CIR
STATEN ISLAND, NY 10301
(631) 728-4005

Facility:
ARCATE PROPERTY
91 FOSTER AVE|SCTM 900-374-2-4
HAMPTON BAYS, NY 11946

Facility Application Contact:
RONALD J ARCATE
9 CANOE PL RD
HAMPTON BAYS, NY 11946
(631) 728-4005

Facility Location: in SOUTHAMPTON in SUFFOLK COUNTY

Facility Principal Reference Point: NYTM-E: 710.266 NYTM-N: 4525.121
Latitude: 40°51'00.7" Longitude: 72°30'20.2"

Project Location: 91 Foster Avenue, Hampton Bays, SCTM # 900-374-2-4, Marina

Authorized Activity: Install new ramps and floating docks within the existing marina basin. Reconstruct the existing 1 story building in the southwest corner of the site in-kind and relocate the building to be 10 feet from Foster Avenue. Reconstruct the existing deck and reduce the area of the decking by removing a 6' x 16' portion of the decking. Construct a 6' x 16'-17' boardwalk between the existing deck and the southern bulkhead. All work shall be performed in accordance with the plans prepared by Dolliver Land Surveying, PC last revised on 6/30/15 (sheet 1 of 3) and 2/9/16 (sheet 2 of 3), and Edward A. Batcheller LLC on 7/9/15 (sheet 3 of 3), all stamped "NYSDEC APPROVED" on 2/16/16.

Permit Authorizations

Tidal Wetlands - Under Article 25

Permit ID 1-4736-06465/00004

New Permit

Effective Date: 2/16/2016

Expiration Date: 2/15/2026

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 1-4736-06465/00005

New Permit

Effective Date: 2/16/2016

Expiration Date: 2/15/2026



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: JOHN A WIELAND, Deputy Regional Permit Administrator

Address: NYSDEC Region 1 Headquarters
SUNY @ Stony Brook 50 Circle Rd
Stony Brook, NY 11790 -3409

Authorized Signature: _____

Date 02/16/2016

Distribution List

RONALD J ARCADE
Habitat - TW
Environmental Permits

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

1. 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 Dolliver Land Surveying, PC last revised on 6/30/15 (sheet 1 of 3) and 2/9/16 (sheet 2 of 3), and Edward A. Batcheller LLC on 7/9/15 (sheet 3 of 3), all stamped "NYSDEC APPROVED" on 2/16/16.

2. Notice of Commencement At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.



3. 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.

4. Docks at Property Lines Docks/catwalks/floats must not:

- a. extend laterally beyond property lines,
- b. interfere with navigation, or
- c. interfere with other landowners riparian rights.

5. No Permanent Structures on Dock No permanent structures shall be installed on dock/catwalk/float without first obtaining written Department approval (permit, modification, or amendment).

6. Dock Reconstruction or Replacement Dock reconstruction or replacement or seasonal installation shall not involve expansion or substantial modification of existing structures or facilities.

7. No Additional Docks Installation of additional docks at marinas, boat basins, or other commercial facilities is not authorized by this permit.

8. Bulkhead Decking No portion of the decking or boardwalk shall extend seaward of the bulkhead sheathing.

9. Wood Preservatives

- a. Pressure treated wood used for construction of in-water structures must have undergone a treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association.
- b. Wood treated with Pentachlorophenol (PCP) must not be used in wetlands or surface waters.
- c. The use of creosote treated wood is prohibited both in the water and upland areas.
- d. Chromated Copper Arsenate (CCA) pressure treated wood must be clean and free of CCA surface deposits. Wood with surface deposits must be washed for at least 5 minutes under running water prior to use. The washing must occur greater than 100 feet landward of any regulated wetland and/or water body. (Note "E." below for handling wash water.)
- e. Any wood debris such as sawdust or wash water must not enter any water body, including wetlands or protected buffer areas.

10. Reconstruction of 1 Story Building This permit authorizes the reconstruction of the existing 1 story building in the southwest corner of the site in-kind with no change to the existing dimensions.

11. Repairs to Structures All repairs to existing structures shall be confined to replacement of existing elements with no change in design, dimension or materials, unless specifically authorized by this permit.

12. No Dredging or Excavation No dredging, excavating or other alteration of shoreline or underwater areas is authorized by this permit, nor shall issuance of this permit be construed to suggest that the Department will issue a permit for such activities in the future.



13. 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.

14. 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.

15. 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.

16. 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.

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.

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.

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.

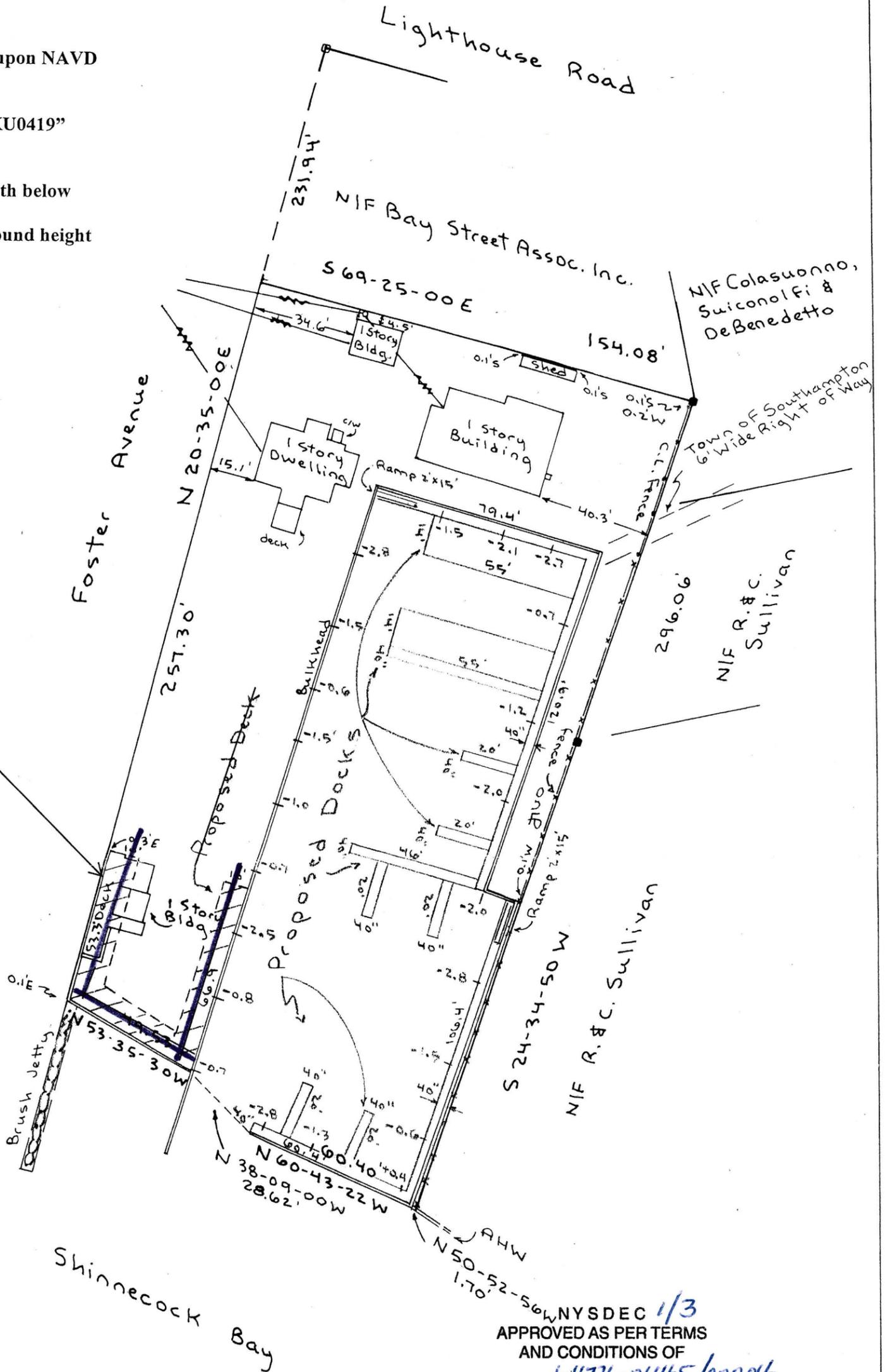
Tax Map No. 900-374-02-04
 Area 40,242 S.F.
 Zone RWB



Soundings based upon NAVD
 1988 Datum

Tidal BM PID "KU0419"
 Sta. ID ~ 8512451

- 2.5 Indicates depth below
 MLLW
 + 0.4 Indicates ground height
 above MLLW



For proposed work involving the building, deck and boardwalk, see sheet 2 of the approved plans

SURVEY OF PROPERTY
 SITUATE

91 Foster Avenue
Hampton Bays

TOWN OF SOUTHAMPTON
 SUFFOLK COUNTY, NEW YORK

CERTIFIED TO:
Robert L. Accate

PREPARED _____ SURVEYED Jan. 29, 2009
 SCALE 1" = 40' ■ DENOTES MONUMENTS ▲ DENOTES STAKES

Soundings 5-12-15
 Proposed Deck 3-03-15
 Proposed Docks 12-04-14
 Updated Survey 11-05-14

JACOB M. BUCHHEIT
 LICENSE NO. 47400

WILLIAM G. LOWE
 LICENSE NO. 49476

NYS DEC 1/3
 APPROVED AS PER TERMS
 AND CONDITIONS OF

PERMIT NO 1-4736-06465/00004
 DATE 2/16/16 MAP

Prop. Dock Measurements & Ramps 6-30-2015

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 1209 OF THE NEW YORK STATE EDUCATION LAW.

COPIES OF THIS SURVEY MAP NOT BEARING THIS LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.

GUARANTEES INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

A.O.W. EASEMENTS AND UNDERGROUND UTILITIES WHETHER ABANDONED OR IN USE UNLESS OTHERWISE NOTED ARE NOT SHOWN ON THIS SURVEY.

DOLLIVER LAND SURVEYING, PC
 LAND SURVEYORS AND PLANNERS
 HAMPTON BAYS, NEW YORK

249 55.56
 233 9.53
 BK 224 PG 22-25

HLH-1-3

Tax Map No. 900-374-02-04
Area 40,242 S.F.
Zone RWB



Lighthouse Road

NIF Bay Street Assoc. Inc.

S 69-25-00 E

NIF Colasuonno,
Suiconolfi &
DeBenedetto

Town of Southampton
6' Wide Right of Way

NIF R. & C.
Sullivan

S 24-34-50 W

NIF R. & C. Sullivan

Foster Avenue

N 20-35-00 E

257.30'

Bulkhead

296.06'

Remove 6' x 16' Section
OF Deck

Reconstruct Decking

Building To Be
Moved To 10' Setback
From Foster Avenue

Proposed Boardwalk
6' Wide x 17.0'



Shinnecock Bay

N 60-43-22 W
28.62'

60.40'

N 50-52-56 W
1.70'

SURVEY OF PROPERTY
SITUATE

91 Foster Avenue
Hampton Bays

TOWN OF SOUTHAMPTON
SUFFOLK COUNTY, NEW YORK

CERTIFIED TO:
Robert L. Arcate

Proposed 02-09-16
Updated Survey 11-05-14

JACOB M. BUCHHEIT
LICENSE NO. 47400

WILLIAM G. LOWE
LICENSE NO. 49476

NYS DEC 2/3
APPROVED AS PER TERMS
AND CONDITIONS OF

PERMIT NO 1-4736-06465/00004
DATE 2/16/16

UNAUTHORIZED ALTERATION OR ADDITION TO
THIS SURVEY IS A VIOLATION OF SECTION
7209 OF THE NEW YORK STATE EDUCATION
LAW.

COPIES OF THIS SURVEY MAP NOT BEARING
THIS LAND SURVEYOR'S INKED SEAL OR EM-
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TITLE COMPANY, GOVERNMENTAL AGENCY AND
LENDING INSTITUTION LISTED HEREON AND
TO THE ASSIGNEES OF THE LENDING INSTITU-
TION. GUARANTEES ARE NOT TRANSFERABLE
TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT
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R.O.W. EASEMENTS, AND UNDERGROUND UTIL-
ITIES WHETHER ABANDONED OR IN USE UNLESS
OTHERWISE NOTED ARE NOT SHOWN ON THIS
SURVEY.

DOLLIVER LAND SURVEYING, PC
LAND SURVEYORS AND PLANNERS
HAMPTON BAYS, NEW YORK

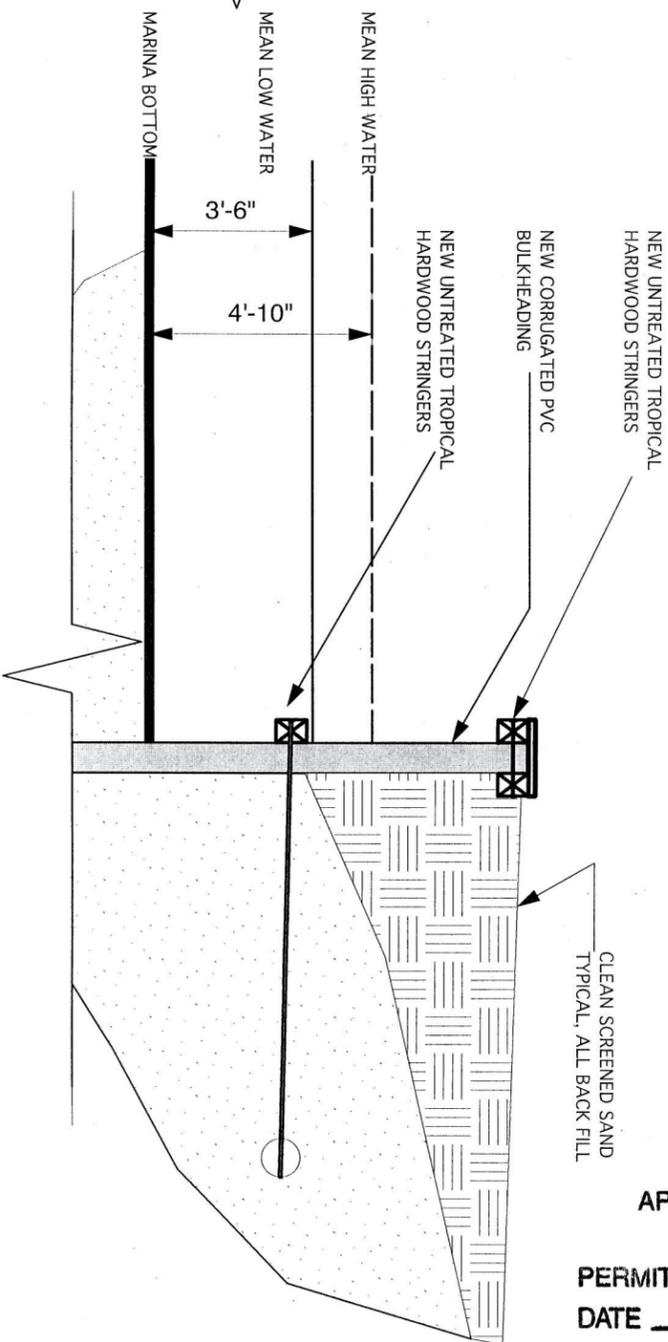
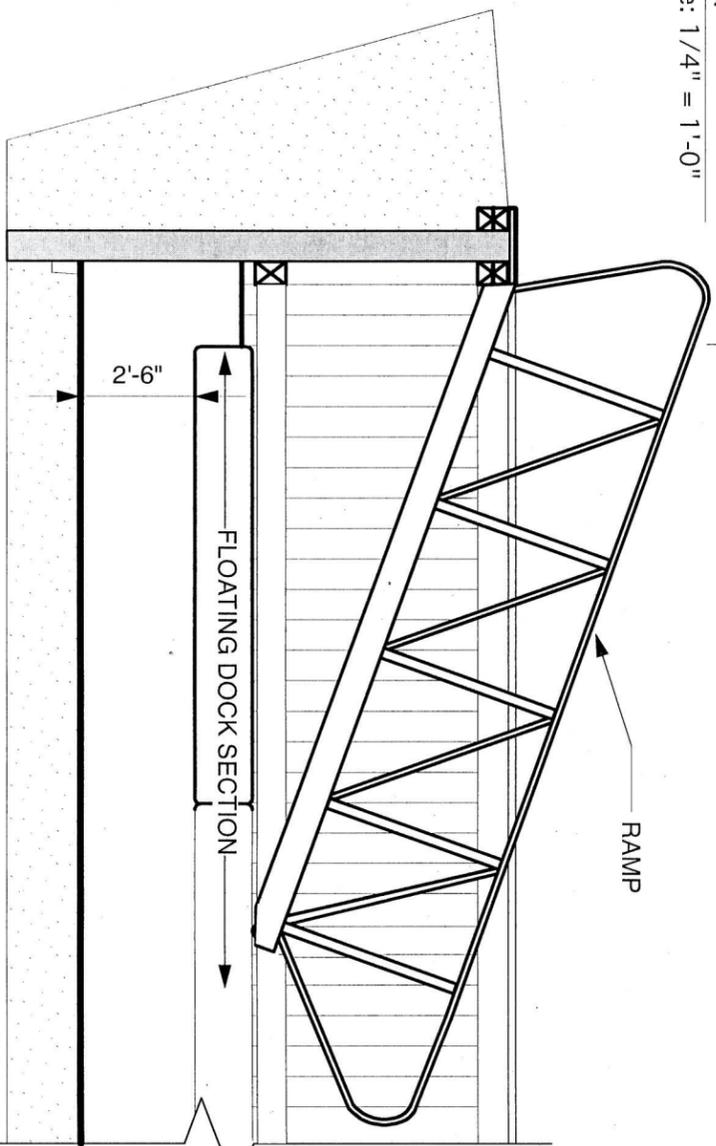
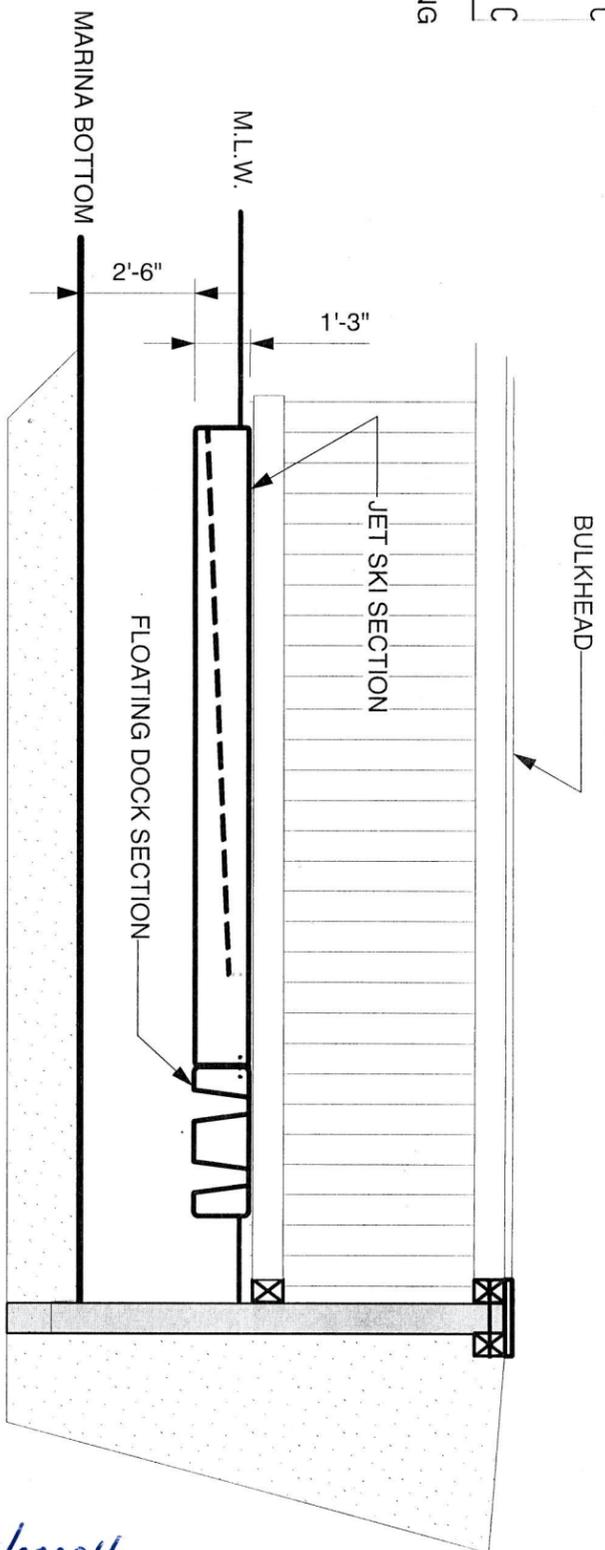
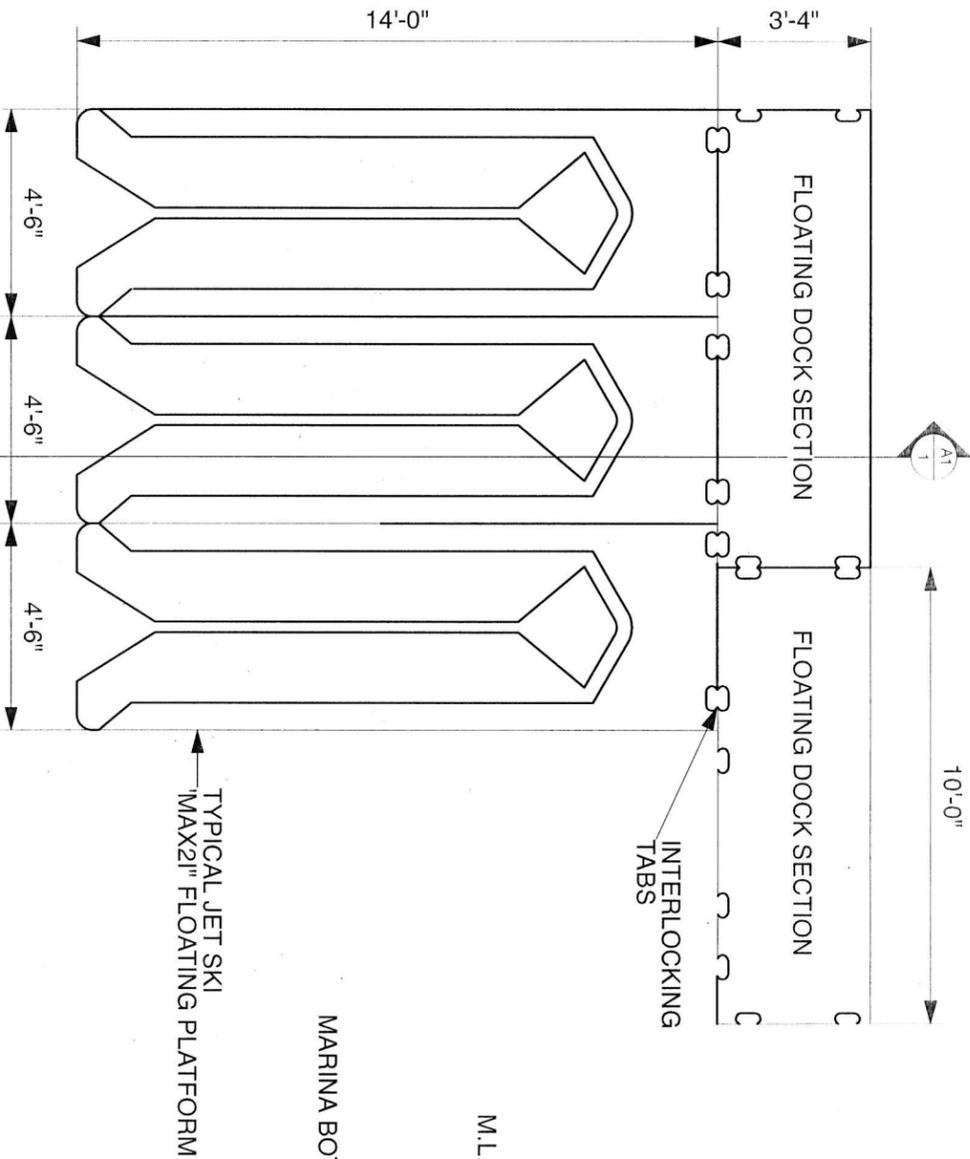
PREPARED _____ SURVEYED Jan. 29, 2009

SCALE 1" = 40'

■ DENOTES MONUMENTS

▲ DENOTES STAKES

249 55, 56
233 9, 53
BK 224 PG 22-25



NYSDEC 3/3
 APPROVED AS PER TERMS
 AND CONDITIONS OF
 PERMIT NO 1-4736-06465/00004
 DATE 2/16/16 MRP

BOARD OF TRUSTEES

OF THE FREEHOLDERS & COMMONALTY
OF THE TOWN OF SOUTHAMPTON

TRUSTEES PERMIT

PERMIT NO. 10892 EXPIRES – One Year from 04/01/2015 - 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: Arcate, Robert

LOCATION: 91 FOSTER AVE HAMPTON BAYS NY 11946

BODY OF WATER: Shinnecock Bay

SCTM# 900-374-2-4

PROJECT: to reconstruct as follows 40" x 80', 40" x 120', 40" x 45', 40" x 110' 40" x 55', 55' x 17', 55' x 14' and six (6) 40" x 20' floating docks using a plastic material. To construct 53.3' x 10', 49.53' x 10' and a 66.9' x 10' deck. All non compliance decking must be removed and 10' x 10' shed must be removed from Trustees jurisdiction.

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
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968



KYLE P. COLLINS, AICP
TOWN PLANNING AND
DEVELOPMENT ADMINISTRATOR

Phone: (631) 702 - 1800
Fax: (631) 287-0262

ANNA THRONE-HOLST
TOWN SUPERVISOR

December 5, 2014

Daniel Greene, Certifying Officer
Governor's Office of Storm Recovery
Housing Trust Fund Corporation
25 Beaver Street
New York, NY 10004

RE: GOSR December 3, 2014 Notice of Early Public Review – East End Jet Ski and
Mariner's Cove Marine

Dear Mr. Greene:

Thank you for the opportunity to comment on above reference matter. The two subject sites are located within the Town's Resort Waterfront Business zoning district. The intent of this zoning district is for the development of water dependent and water enhanced uses to serve both seasonal visitors and the marine interests of local residences. The subject uses as described in the above notice seems to be consistent with the intent of this zoning district.

The Town has no objection of the funding the proposed projects provided that they meet the Town's requirements pursuant to Chapters 325 Wetlands, and 169 Flood Damage Projection of the Town Code, as may be applicable. The applicant is encouraged to meet with the Town's Environment Division, as well as the Southampton Board of Trustees to determine what approvals may be necessary based on the details of proposed projects. The potential impacts to the wetlands and the 100-year floodplain will be determined by the Town upon submittal of the necessary application materials for those activities that are within the Town's jurisdiction.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle P. Collins".

Kyle P. Collins, AICP

Cc: Southampton Board of Trustees

East End Jet Ski and Mariner's Cove Marina
75 Howard Circle
Staten Island, NY 10301

Attachment 5

NYSDEC Environmental Resource Map
USFWS National Wetland Inventory Map
NYS Coastal Boundary Map
Coastal Barrier Resource System Map

Visible Layers

-  Classified Streams
-  Classified Ponds
-  State-Regulated Freshwater Wetlands
-  Wetland Checkzone
-  State-Regulated Freshwater Wetlands
-  Rare Plants and Rare Animals
-  Significant Natural Communities Buffered
-  Natural Communities Nearby
-  Significant Natural Communities
-  Interstate Highways
-  Towns
-  Counties

Approximate Boundary of:
91 Foster Ave
Hampton Bays, NY



Disclaimer: This map does not show all natural resources regulated by NYS DEC, or for which permits from NYS DEC may be required. Please contact your DEC Regional office for more information.

MinX: 707991, MaxX: 712523, MinY: 4526545, MaxY: 4523907



U.S. Fish and Wildlife Service National Wetlands Inventory

103-ED-33004-2013

Sep 3, 2014



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

Approximate Boundary of:
91 Foster Ave
Hampton Bays, NY

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

Home Search Help

Search

Address:

Enter Address Here

Find Address

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.





U.S. Fish and Wildlife Service

Coastal Barrier Resources System Mapper - Beta

Zoom History



Measure Streets Imagery/Labels Topo USGS Topo

Find Location

CBRS Enter CBRS unit number (e.g., Q01D) Find CBRS

Available Layers

- CBRS Buffer Zones
- CBRS Units

CBRS Units

- Otherwise Protected Area
- System Unit

CBRS Buffer Zone

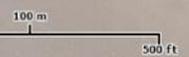
- CBRS Buffer Zone



F13

F13

Approximate Boundary of:
91 Foster Ave
Hampton Bays, NY



Map Scale: 1:2257 Lat: 40.8482, Lng: -72.5083

Attachment 6

Floodplain Management (EO 11988) &
Protection of Wetland (EO 11990) Determination

Project 103-ED-33004-2013
EO11990 Protection of Wetland / EO11988 Floodplain Management Determination

***Commercial & Economic Development Initiative within NY State Community Development
Block Grant - Disaster Recovery Program***
June 24, 2016

Introduction & Overview

The purpose of Executive Order 11990, Protection of Wetlands, is “to avoid to the extent possible long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.” 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 for a project reviewed according to both EOs 11990 & 11988.

The project analyzed herein is proposed to receive Community Development Block Grant Program–Disaster Recovery (CDBG-DR) funding for in-kind business infrastructure repairs and new development in wetlands. Funding for this business’s revitalization is from the New York Rising Small Business Grant Program. The grantee is a marina business on the Shinnecock Bay in Suffolk County, NY and was impacted by Superstorm Sandy.

The analysis that follows addresses wetlands and floodplain impacts because the proposed activities are located in floodplain and the activity represents a project with new construction in wetlands. 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 project/activity 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

East End Jet Ski, Inc. sells and rents boats and related equipment. The business is located at 91 Foster Avenue, Hampton Bays hamlet, Town of Southampton, Suffolk County, New York. According to the website *PropertyShark.com*, the property is Section, Block, Lot: 374-2-4. Per County Assessment data, zoning is “Resort Waterfront Business (RWB). There are multiple buildings on the property. A small structure serves as an office for operations like jet skis rental. Another is a one unit, single story, residence that was being rented at the time of inspection. The lot is 0.8-acres. The part of the lot used as the marina facility has docks used for personal watercraft storage and there is an associated bulkhead and landscaping. The site has undergone upgrades in recent years.

Small Business Program materials indicate that the business was not substantially damaged and did not receive a letter to this effect. The proposed support for East End Jet Ski, Inc. involves a limited grant of \$100,000.00 in funding for acquisition and installation of replacement and new floating docks. The existing docks and their appurtenant infrastructure received major damage during the applicable natural disaster. Construction activities subject to this funding are proposed activities and have not yet been completed. There will be an increase in floating dock capacity from approximately 1,370 square feet to 3,235 square feet in the pre-existing and already developed marina basin in conjunction with funding assistance here - this represents the new construction in wetlands which is the focus of the 11990 analysis.

Applicable Regulatory Procedure Per EOs 11990 & 11988

The proposed action corresponds with a noncritical action not excluded under 24 CFR §55.12(b) or (c). The action occurs in floodplain and is also new construction in wetlands. Funding is permissible for the use in wetland and floodplain 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 maps, including data managed and updated by the U.S. Fish & Wildlife Service (USFWS) and New York Department of Environmental Conservation (NYSDEC), there are wetlands present at the Subject Property.

In accordance with 24 CFR §55, the action consists of replacing pre-existing but storm-damaged docks with new floating docks and expanding the floating dock system. Since there are dock reconfigurations and some new dock area, the action is defined to involve “any structures or facilities begun after the effective date of Executive Order 11990” per (24 CFR §55.2(b)(8)). The activities occur in a community that is in the Regular Program of the National Flood Insurance Program (NFIP). The community is currently in good standing.

Since there will be an increase in the amount of dockage at the project location, the Applicant acquired a NYSDEC permit authorizing the work. Additionally, the Applicant is required to ensure work will comply with the Section 404 of the Clean Water Act. The work will be performed under USACE Nationwide Permits No. 3 (Maintenance) and No. 28 (Modifications of Existing Marinas) which provide general conditions for compliance with Section 404 of the Clean Water Act.

The eight-step determination process in §55.20 applies. The following analysis provides the examination called for within each step of this wetland and floodplain management analysis.

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, per the applicable FEMA flood map Firmette (contained within this ERR) is within 100-year floodplain. The project location is in SFHA-AE Zone, which represents 100-year flood zone, and the established Base Flood Elevation (BFE) is 10 feet over the majority of the site. There is also Velocity Zone (CHHA-VE) along the coastline on the southwestern edge of the property, by the outlet of the bay or breakwater, seaward of the footprint where docks are now located (funded work is not within VE Zone). *Note: There is Area*

*of Limited Wave Action over this entire property; however, Southampton follows an NFIP framework; it **does not** follow International Code Series design and construction standards as may apply to these Areas.*

The proposed action occurs in an area that is designated federal wetlands (estuarine and deepwater classification) and NYS tidal wetlands (SM-Coastal Shoals, Bars, and Mudflats). As noted, the proposed action is considered new construction in wetlands, although the extent there is new construction in wetlands due to this action is termed marginal.

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

Because the proposed project is in floodplain and wetlands, 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 corresponding 15-day "Notice of Early Public Review of a Proposed Activity in 100-Year Floodplain" started with notice publishing in New York Newsday newspaper (eastern addition) on December 3rd, 2014. The 15-day period expired December 18th, 2014. The notice targeted local residents, including those in floodplain. This notice was also mailed to the following state and federal agencies on December 1st, 2014: Federal Emergency Management Agency (FEMA); USFWS; U.S. Environmental Protection Agency (EPA); U.S. Army Corps of Engineers (USACE); NYSDEC; and New York State Office of Emergency Management. The notice was also mailed to Suffolk County and the Town of Southampton officials. (See Attachments 1 and 2 for the newspaper notice affidavit and the matching letter distributed to these agencies).

GOSR received one comment on this notice. The comment stated there is no objection of funding the proposed projects provided that they meet the Town of Southampton's requirements. (See Attachment 3 for the list of comments 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. The small business herein suffered damage from Superstorm Sandy. Potential alternatives must be considered in order to: evaluate the potential to avoid long-and short-term impacts of floodplain occupancy; avoid to the extent possible impacts that may be associated with the destruction or modification of wetlands; avoid direct or indirect support of new construction in wetlands whenever there is a practicable alternative; and, try and mitigate the amount of damage from future flood events.

One potential alternative is to relocate the business out of wetland and 100-year floodplain. However, this marina is a functionally dependent water-based use. Water access and water-based land use is a central component of the business. Location in floodplain and/or wetland is essential. Relocation is not considered a viable option for this business. There do not appear to be significant amounts of ancillary non-floodplain dependent activities conducted at this location.

Rather, large areas of the site is occupied by docks, bulkhead, and parking and access areas that could not be sited outside floodplain as these are central to marina operations.

Another alternative is to replace damaged docks with more permanent-type docking, such as with pile and pier systems that cannot be removed on a temporary or seasonal basis, but may be anchored more definitively. However, the proposed floating docks, anchored onto bulkheads, are less likely to impact wetland as there is minimal ground or land underwater disturbance required to install and use these. Also, floating docks are designed such that they can be moved, rearranged, and possibly removed from the wetland/ floodplain if a severe storm event is predicted, thereby allowing for active management to limit future impacts from severe storm events. Using permanent-type docking instead of the flexible docks proposed is not considered a desirable option. The habitat of lands underwater beneath floating docks could benefit from seasonal use compared with permanent fixtures. Also, it would seem that there is less potential for tidal flushing and currents disturbance under the preferred action compared with permanent docks.

Another alternative is for “no action” to occur. This means the Applicant would not receive grant funds to restore and sustain business. This option means there would be potential inability for the business to survive rebuilding after the storm. Also, 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. This could greatly impact this business and surrounding community, as recovery would be greatly impaired due to lack of support. 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 the business is an actively used 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. Moreover, consistent with federal and local standards, activity in velocity zones would be constructed according to materials and utility equipment standards for resistance to flood damage, such as with fixtures capable of appropriately accommodating hydrostatic and hydrodynamic loads and the effects of buoyancy.

The above identified alternatives will be re-evaluated in response to public comments received.

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.

Within this Step, there is first a discussion of floodplain impacts. This is followed by narrative on potential wetland impacts.

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 project.

Natural moderation of floods

As the Applicant’s site is one of many developed parcels situated within 100-year floodplain, 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 functionally dependent property would be no greater than those expected to the other adjacent occupied properties within this floodplain.

Living resources such as flora and fauna

The land use at this site may constitute one where, after flooding, materials on site or used in operations could potentially be released into the environment, thereby having unquantified potential to impact water quality maintenance and ecological resources. One 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. Indications are that there are not any identified recognized environmental conditions on this site and a qualitative evaluation suggests that the potential for business materials releases would be relatively small and if such releases do occur, it is likely as part of a potential area-wide impact. In the latter instance, floatable debris could contribute to litter, if not managed, and if there were minor amounts of chemicals used on site, floodwaters may induce rapid dilution. Given the nature of the business and analysis of site characteristics pursuant to HUD CDBG standards, the potential for an acute or chronic level of water quality impact from the site is considered 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 has taken place over an extended recent 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 frequent floods, occasional hurricanes, and occasional severe storms (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. The business is not considered to constitute a critical facility. Thus, funding this

activity does constitute indirect continued support of floodplain occupancy and development for the 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 the small business.

The rehabilitation of the Subject Property sustains area property values and community character within districts and neighborhoods that have 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 a maritime and recreational asset. With sustained operations here, the market is not disrupted in that customers are required to travel greater distances. Support to sustain this business also helps ensure a diverse economic base. 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 they purchase products and services.

Cultural resources such as archaeological, historic & recreational aspects

The New York State Historic Preservation Office confirmed on June 13, 2016 that this project will have no effect on historic resources. Moreover, without funding support, building resources could degrade causing loss of development character and identity for this area that depends on community character and sense of place as a driver for recreation and tourism.

Agricultural, aquacultural, & forestry resources

Suffolk County has extensive open space and high quality wetlands and substantial agriculture and fishing and clamming industry, including various forms of aquaculture like oyster farming. The replacement activities and the increase in new floating dockage are not considered to alter potential at these locations for materials releases, such as if there is severe future flooding, that could potentially affect natural resources. Finally, while it is conceivable that flooding of this existing business could be part of a cumulative influence on such resources, the impact attributable to these uses is not 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 the proposal’s effect on the survival and quality of wetlands. These factors include public health (including water supply and water quality), maintenance of natural systems, cost increases attributed to construction in wetland, and other uses of wetlands 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 (USFWS) along Shinnecock Bay of the Atlantic Ocean. These wetlands are not freshwater wetlands and are not used for drinking water supply. However, these coastal tidal wetlands and deep-water/estuarine wetlands can serve to absorb the force of storm waters and tidal erosion, thereby helping protect upland soil and freshwater resources. The floating dock replacement and expansion in these wetlands is not suspected to pose a threat to public health

and safety, or to flood and storm hazards, because the proposed action does not include reshaping, dredging, or filling wetland (although there may be limited new metal pipes rammed into bottom sediments as part of anchoring the ends of the new docks). The proposed action will not decrease the area of the wetland; it will replace and expand with new docks that will float on the water surface. The specifications of the floating docks will enable their operation to prevent public health risk because these sections can be removed from the water entirely, such as during winter and stored away from velocity zone, thereby preventing outright the potential for being swept away in a severe storm.

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

As discussed, the proposed action will not present any further potential to adversely affect natural systems/ wetlands, including as compared with the conditions that existed pre-storm disaster and were permitted at this developed marina. The proposed work is to replace floating docks and limit ground disturbance in wetland and land underwater (major piles, pilings or dolphins are not needed for floating docks). As there are already docks (and associated watercraft traffic) in wetlands at this business location, it is supposed that providing some new and replaced floating docks will not further affect species/habitat diversity and stability. Also, proposed docks will float on the water and will not affect the natural hydrologic function of wetlands.

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 does not involve changing the area of the wetland by dredging, diking, filling, or by other means. There are some incremental costs expected to floodproof new dockage, which is considered not to greatly increase cost and would be necessary to advance mitigation measures which can minimize harm to wetlands that may result from such use, or disruption to the infrastructure from a future hazard event.

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

This functionally dependent marina/ boat rental business offers recreational access to area waterways. 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 economy and the subject business is an example of constituent parts of this aspect of the local economic base. It is presumed that market demand for marina services is strong and if services were disrupted, consumer demand could not simply shift to other marinas located in wetlands and floodplains because of finite supply, and rather there would be disruption in the form of constrained supply, higher prices. Also, if other marinas come to operate above acceptable levels of service this could translate into potential for undesirable impacts arising due to those abnormal operating conditions. Likewise, local policy on wetlands notes the importance of marina resources to both the environmental and economic health of the Town and that services for maintenance of boats and marine equipment have far-reaching economic benefits.

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 the scope of repairs and proposed funding support, it is a direct policy requirement to specify standards that mitigate flood risk and adverse impacts to wetlands and restore/ preserve the natural and beneficial functions and values, if it is practicable. The scope of work for the project does not increase impermeable surfaces, or adversely affect natural hydrology and other natural elements through drainage, diking, or impoundment of wetland. Marinas can represent intense water-based uses. The funded replacement and addition to the floating dock footprint occurs within the main existing activity zone of this marina facility. This is a location that already shows high levels of boating/jet skiing, including prop action, and compensatory mitigation does not appear required as there is no adverse impacts to wetland.

However, it is still 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 and equipment. It is reasonable to promote business owner awareness of the available best management practice, and the potential to perform business strategic planning and identify the multiple possible actions they might undertake to define and prepare for and prevent the potential impacts of many future 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 is encouraged to 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.

Relocation alternatives, including to within a different part of the floodplain, would not change the fact that marinas are functionally dependent on location by and access to the water and are, therefore, susceptible to floodplain and wetlands impacts. Utilizing areas that are outside of flood zones are impracticable in terms of the business's basic requirements to be located on the water and it is beneficial to focus business activities at existing marine use locations.

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. The business would remain vulnerable to damage in future flooding events.

Therefore, the alternatives examined are not considered desirable or practical and the action to fund structure rehabilitation and the business's continuity is still practicable in light of exposure to flood hazards in floodplain, possible adverse impacts on floodplain, 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 business 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 select rehabilitation of docks, including the increase in the amount of floating docks, at this small business. The location within wetland and floodplain cannot be avoided due to the water-dependent nature of the business, space requirements and characteristics of this marina, and the characteristics of the location it occupied pre-storm disaster, including considering that the jet ski location is presumed to have operating permits that enable this marina-type use and which provided for rehabilitation of bulkheads prior to the storm disaster that promoted this redevelopment with new docks. Moreover, not funding the 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 for the notice and the distribution to local, state and federal agencies). The notice describes reasons why the project must be located in the wetland and floodplain, alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial wetland and floodplain values. No comments were received on the final notice.

Step 8. Continuing Responsibility of Responsible Entity & Recipient.

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, is the responsible entity. 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 to ensure, to the extent feasible and necessary, compliance with the steps herein.

Attachment 1

Notice of Early Public Review

Executive Orders 11988/11990



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Ruben
Executive Director



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

December 3, 2014

The Governor's Office of Storm Recovery (GOSR), operating under auspices of the New York State Homes and Community Renewal'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 early notice is to identify that GOSR is undertaking decision-making process required by federal Executive Orders 11988/ 11990 in accordance with HUD regulations at 24 CFR §55.20 (Subpart C-Procedures for Making Determinations on Floodplain Management and Protection of Wetlands). GOSR invites public comment on the potential effect that implementing physical restoration and mitigation at the business sites below could potentially have on wetlands and 100-year floodplain. The projects are part of the New York Rising Small Business Grant Program. GOSR is conducting this review in order to consider the projects' potential impacts on wetlands and the 100-year floodplain so as to determine whether or not funding assistance should be granted.

Project Name: Two businesses proposed to receive storm rehabilitation support are East End Jet Ski, Inc., 91 Foster Avenue, hamlet of Hampton Bays, Town of Southampton, Suffolk County, NY, and Mariner's Cove Marina, 9 Canoe Place Road, also in Hampton Bays, Suffolk County, NY.

Brief Description of Project: East End Jet Ski and Mariner's Cove Marina are two marina/watercraft rental businesses at geographically distinct locations with a common owner. Each property is situated in 100-year floodplain and operates in wetlands within Shinnecock Bay. These water dependent locations were heavily impacted by Superstorm Sandy and docks were damaged. Proposed support is in the form of limited grants. At East End Jet Ski, future work will acquire and replace floating docks, with an increase of approximately 1,865 square feet of docks relative to pre-storm docks. The increased dockage represents new construction in a wetland. At Mariner's Cove, funds are for reimbursement of expenses for replacement of floating docks and repairs to electric utility channels on the docks.

Since the action is within Federal Emergency Management Agency's (FEMA) 100-year floodplain at each location, Executive Order 11988 requires that the projects not be supported if there are practicable alternatives to development floodplain. Also, the Jet Ski project



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



involves new construction in a wetland; Executive Order 11990 similarly requires an alternatives analysis to confirm that it is not practicable to avoid action in wetlands.

There are multiple purposes for this notice. First, people who may be affected by activities in wetlands and/or floodplains and those who have an interest in protection of the natural environment have an opportunity to express their concerns about such subjects and locations. Besides this general notice, certain local, state and federal agencies are being directly informed about the project. Second, adequate public notice is an important public education tool. Dissemination of information about wetland and floodplain development facilitates federal efforts to reduce the risks associated with the occupancy and modification of these areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplain, or new construction in wetland, it must inform those who may be put at greater or continued risk.

Comments or requests from information from the public 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, NYS Housing Trust Fund Corporation, 25 Beaver Street, 5th Floor, New York, New York, 10004. Comments may also be submitted via email at NYSCDBG_DR_ER@nyshcr.org or by telephone, excepting public holidays, at (212) 480-4644 weekdays from 9:00 AM - 5:00 PM.

Best Regards,

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

Daniel Greene
Deputy General Counsel and Certifying Officer
Governor's Office of Storm Recovery, NYS
Housing Trust Fund Corporation

Attachment 2

Notice of Early Public Review Affidavit

Executive Orders 11988/11990

NEWSDAY AFFIDAVIT OF PUBLICATION

TECTONIC
PO BOX 37
MOUNTAINVILLE, NY 10953

STATE OF NEW YORK) Legal Notice No. 0021039539
:SS.:
COUNTY OF SUFFOLK)

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:

Wednesday December 03, 2014 Suffolk

SWORN to before me this
20 Day of April, 2016.



Jason A. Neknez
Notary Public, State of New York
No. 01NE6219108
Commission Expires 03/22/2018
Qualified in Suffolk County



Attachment 3

Public Comments Regarding Early Notice

TOWN OF SOUTHAMPTON

Department of Land Management
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968

Phone: (631) 702 - 1800
Fax: (631) 287-0262



KYLE P. COLLINS, AICP
TOWN PLANNING AND
DEVELOPMENT ADMINISTRATOR

ANNA THRONE-HOLST
TOWN SUPERVISOR

December 5, 2014

Daniel Greene, Certifying Officer
Governor's Office of Storm Recovery
Housing Trust Fund Corporation
25 Beaver Street
New York, NY 10004

RE: GOSR December 3, 2014 Notice of Early Public Review – East End Jet Ski and
Mariner's Cove Marine

Dear Mr. Greene:

Thank you for the opportunity to comment on above reference matter. The two subject sites are located within the Town's Resort Waterfront Business zoning district. The intent of this zoning district is for the development of water dependent and water enhanced uses to serve both seasonal visitors and the marine interests of local residences. The subject uses as described in the above notice seems to be consistent with the intent of this zoning district.

The Town has no objection of the funding the proposed projects provided that they meet the Town's requirements pursuant to Chapters 325 Wetlands, and 169 Flood Damage Projection of the Town Code, as may be applicable. The applicant is encouraged to meet with the Town's Environment Division, as well as the Southampton Board of Trustees to determine what approvals may be necessary based on the details of proposed projects. The potential impacts to the wetlands and the 100-year floodplain will be determined by the Town upon submittal of the necessary application materials for those activities that are within the Town's jurisdiction.

Sincerely,

Kyle P. Collins, AICP

Cc: Southampton Board of Trustees

East End Jet Ski and Mariner's Cove Marina
75 Howard Circle
Staten Island, NY 10301

Attachment 4

Notice of Final Public Review

Executive Orders 11988/11990



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



FINAL NOTICE & PUBLIC REVIEW

December 27, 2014

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 decision-making process required by federal Executive Order 11988/11990 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 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 100-year floodplain and wetlands so as to determine whether or not assistance should be granted.

Project Name: Two businesses proposed to receive storm rehabilitation support are East End Jet Ski, Inc., 91 Foster Avenue, hamlet of Hampton Bays, Town of Southampton, Suffolk County, NY, and Mariner's Cove Marina, 9 Canoe Place Road, also in Hampton Bays, Suffolk County, NY. East End Jet Ski, Inc. is 0.8 acres and Mariner's Cove Marina is 0.034 acres with both properties located within 100-year floodplain.

Brief Description of Project: East End Jet Ski and Mariner's Cove Marina are two marina/watercraft rental businesses at geographically distinct locations with a common owner. These water dependent locations experienced severe damage to their docks during SuperStorm Sandy. CDBG-DR funding would assist reimbursement at East End Jet Ski for future work including the increase in floating dock capacity from approximately 1,370 square feet to 3,235 square feet within the pre-existing and already developed marina basin. Funds for Mariner's Cove, include reimbursement of expenses for replacement of floating docks and repairs to electric utility channels on the docks.

Evaluating Impacts & Alternatives: Both marinas are functionally dependent on water access and location in and adjacent to floodplain. Since the action is located within the Federal Emergency Management Agency's (FEMA) 100-year floodplain, national Executive Order 11988/11990 requires that the project not be supported if there are practicable alternatives to development in floodplain and wetlands. One alternative considered includes relocating the business out of floodplain. However, utilizing areas that are outside flood zone are impracticable in terms of the businesses' basic requirements to be located on the water and it is beneficial to focus business activities at existing marine use locations. There do not appear to be significant amounts of ancillary non-floodplain dependent activities that are conducted at these locations. Another alternative is to replace damaged

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



docks with more permanent type docking, such as with pile and pier systems that cannot be removed on a temporary or seasonal basis, but may be anchored more definitively. The proposed dock work at East End Jet Ski is considered new construction in wetlands therefore the Executive Order 11990 does not support the work. However, the proposed floating docks, anchored onto bulkheads, are less likely to impact wetlands, as there is minimal ground or land underwater disturbance required to install and use these. Considering the 'no action' alternative would not address these businesses' needs for funding their rehabilitation. Without grant funding, the businesses would be unable to successfully complete restoration of service facilities. They would remain vulnerable to damage in future flooding events.

Response to Comments Received on Early Floodplain: On December 5, 2014, GOSR received comments from the Town of South Hampton, New York. The Town of South Hampton stated that it "has no objection of the funding of the proposed projects provided they meet the Town's requirements pursuant to Chapter 325 Wetlands and 169 Flood Damage Projection of the Town Code, as may be applicable." The Town offered to hold a pre-application meeting with the small business applicant. GOSR will provide the Town's communication to the applicant and make receipt of these local permits, as applicable, a condition of receiving grant assistance.

Determination: The risk of location and development in floodplain and wetland is identified. 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 potential to maintain floodplain value, the alternatives are considered neither feasible nor desirable.

Comments from the public are invited and will be received for seven (7) days from the first 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@nysocr.org. Comments may be received by telephone at (212) 480-4644 Monday through Friday, 9:00 AM - 5:00 PM.

Sincerely,

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

Attachment 5

Final Notice Public Review Affidavit

Executive Orders 11988/11990

NEWSDAY AFFIDAVIT OF PUBLICATION

TECTONIC
PO BOX 37
MOUNTAINVILLE, NY 10953

STATE OF NEW YORK)

Legal Notice No. 0021045535

:SS.:

COUNTY OF SUFFOLK)

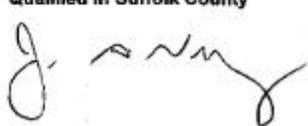
R. Lopes of Newsday Media Group., Suffolk County, N.Y., being duly sworn, says that such person is, and at the time of publication of the annexed Notice was a duly authorized custodian of records of Newsday Media Group, the publisher of NEWSDAY, a newspaper published in the County of Suffolk, County 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:

Saturday December 27, 2014 Suffolk

SWORN to before me this
20 Day of April, 2016.



Jason A. Neknez
Notary Public, State of New York
No. 01NE6219108
Commission Expires 03/22/2018
Qualified in Suffolk County



Attachment 7

Coastal Consistency Determination



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

December 16, 2014

Tom King
Legal Counsel and Certifying Environmental Officer
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224
Albany, New York 12231

Re: F-2014-0842(FA)
East End Jet Ski Inc. (Project #103-ED-33004-2013)
Replacement of floating docks (approximately 1,370sf)
and economic development activities associated with
the expansion of the docks (approximately 1,865 sf).
Town of Southampton, Suffolk County
General Concurrence - No Objection to Funding

Dear Mr. King:

The Department of State received the information you submitted regarding the above matter on 12/4/2014.

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 HUD 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-2014-0842(FA).

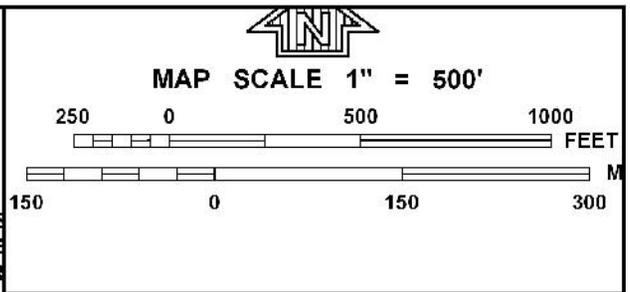
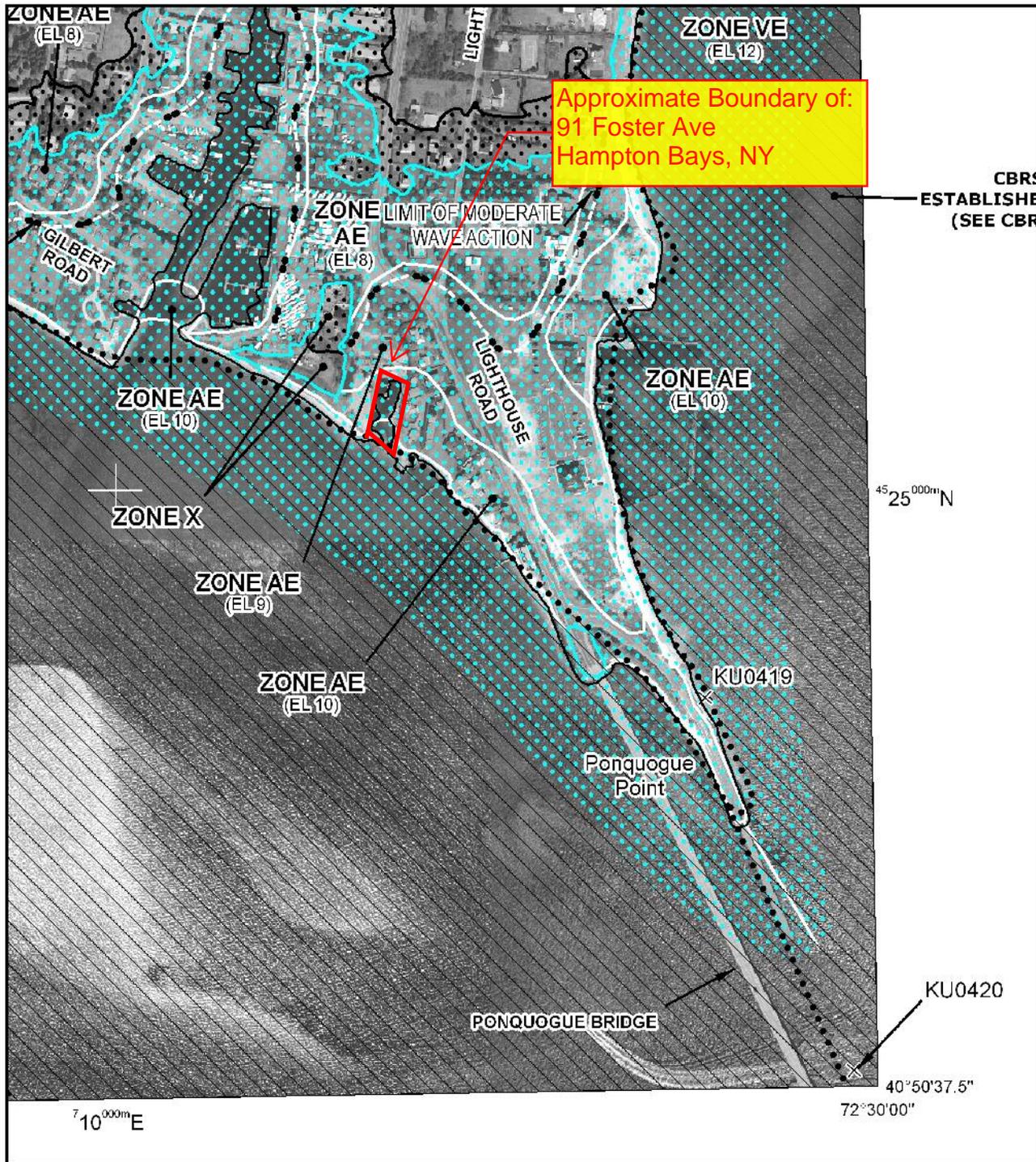
Sincerely,

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Office of Planning and Development

JZ/dc

Attachment 8

FEMA Firmette



NFP

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

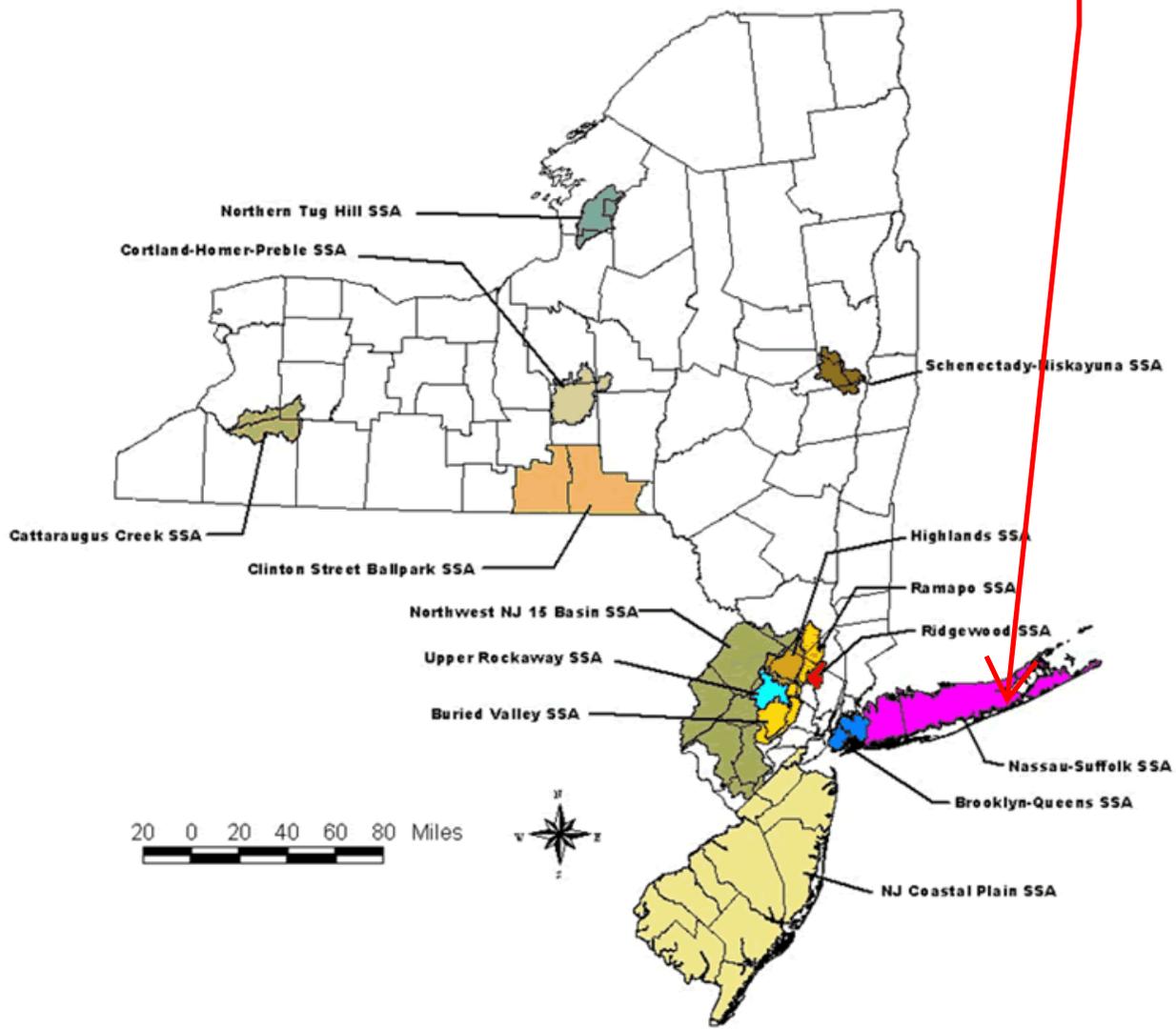

Federal Emergency Management Agency

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 9

Sole Source Aquifer Map
and Initial Screen
Checklist

Approximate Project Location



<http://www.epa.gov/region02/water/aquifer/>

ATTACHMENT 2.A

NON-HOUSING/PROJECT ACTIVITY INITIAL SCREEN CRITERIA

The following list of criteria questions are to be used as an initial screen to determine which **non-housing** projects/activities should be forwarded to the Environmental Protection Agency (EPA) for Preliminary Sole Source Aquifer (SSA) Review. (For housing projects/activities see Attachment 2.B) If any of the questions are answered affirmatively, Attachment 3, SSA Preliminary Review Requirements, should also be completed. The application/final statement, this Attachment, Attachment 3, and any other pertinent information should then be forwarded to EPA at the address below.

Any project/activity not meeting the criteria in this Attachment, but suspected of having a potential adverse effect on the Sole Source Aquifer should also be forwarded.

CRITERIA QUESTIONS	YES	NO	N/A
1. Is the project/activity located within a currently designated or proposed groundwater sensitive area such as a special Ground Water Protection Area, Critical Supply Area, Wellhead Protection Area, etc.? [This information can be obtained from the County or Regional Planning board, the local health department, the State health department or the State environmental agency.]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is the project/activity located within a one half mile radius (2640 feet) of a current or proposed public water supply well or wellfield? [This information can be obtained from the local health department, the State health department or the State environmental agency.]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. Will the project/activity include or directly cause (check appropriate items):

	YES	NO	N/A
construction or expansion of solid waste disposal, recycling or conversion facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
construction or expansion or closure of landfills	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
construction or expansion of water supply facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
construction or expansion of on-site wastewater treatment plants or sewage trunk lines	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
construction or expansion of gas or petroleum trunk lines greater than 1320 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
construction or expansion of railroad spurs or similar extensions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
construction or expansion of municipal sewage treatment plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. Will the project/activity include storage or handling of any hazardous constituents as listed in Attachment 4, Hazardous Constituents

5. Will the project/activity include bulk storage of petroleum in underground or above ground tanks in excess of 1100 gallons?
(Please give what assurance they are done in a proper manner.)

6. Will the project/activity require a federal or state discharge elimination permit or modification of an existing permit?

This attachment was completed by:

Name: Emily Cheadle
Title: Environmental Planner/GIS Analyst
Address: Tectonic Engineering
70 Pleasant Hill Road
Mountainville, NY 10953
Telephone number: (845) 534-5959
Date: March 29, 2016

Attachment 10

NHP Record Request Response

NHP Record Request

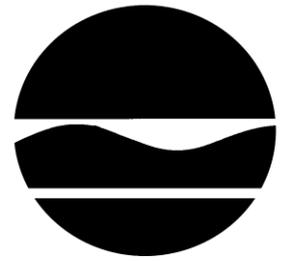
USFWS Determination Acknowledgement

USFWS No Effect Determination

NMFS No Objection Statement

NMFS No Effect Determination

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



March 09, 2016

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

Re: CBDG-Disaster Recovery Small Business Grant Program -- East End Jet Ski, Inc., Hampton Bays
(103-ED-3e004-2013)

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.

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 "Nick Conrad".

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program

Tectonic Engineering & Surveying Consultants P.C.
70 Pleasant Hill Road,
Mountainville, NY 10953

(845) 534-5959 FAX: (845) 534-5999
www.tectonicengineering.com

February 9, 2016

Information Services
New York Natural Heritage Program
New York State Department of Environmental Conservation
625 Broadway, 5th Floor
Albany, New York 12233-4754

VIA EMAIL: NaturalHeritage@dec.ny.gov

RE: New York Natural Heritage Program Record Request - Small Business Grant Program Proposed Projects, Batch 6 dated February 9, 2016 (*List of projects attached to this letter*)

To Whom It May Concern:

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, 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. Tectonic Engineering & Surveying Consultants P.C. is assisting GOSR with the environmental review for projects funded under the Small Business Grant Program, and these projects are processed on a case-by-case basis.

Pursuant to Article 11 of the New York State (NYS) Environmental Conservation Law (ECL) and Section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), we respectfully request a search of the NYS Department of Environmental Conservation (NYSDEC) New York Natural Heritage Program's records, providing Tectonic with a determination as to the potential effects of proposed construction activities on New York State Threatened and Endangered Species on, or within proximity of, the projects in the attached list.

For each project, a street map, topographic map, and aerial image showing the site location are attached (site location maps). Also, attached for each project are the Environmental Assessment Form (EAF) mapper findings summary for the site location. Your assistance with this matter is greatly appreciated.

Please notify us of your findings related to this information as soon as possible. If you have additional information or have questions concerning the evaluation, please contact me at JGomez@tectonicengineering.com or 845-534-5959.

Thank you.

Sincerely,

TECTONIC ENGINEERING AND SURVEYING CONSULTANTS P.C.



Joshua Gomez
Environmental Scientist II

Enclosures:

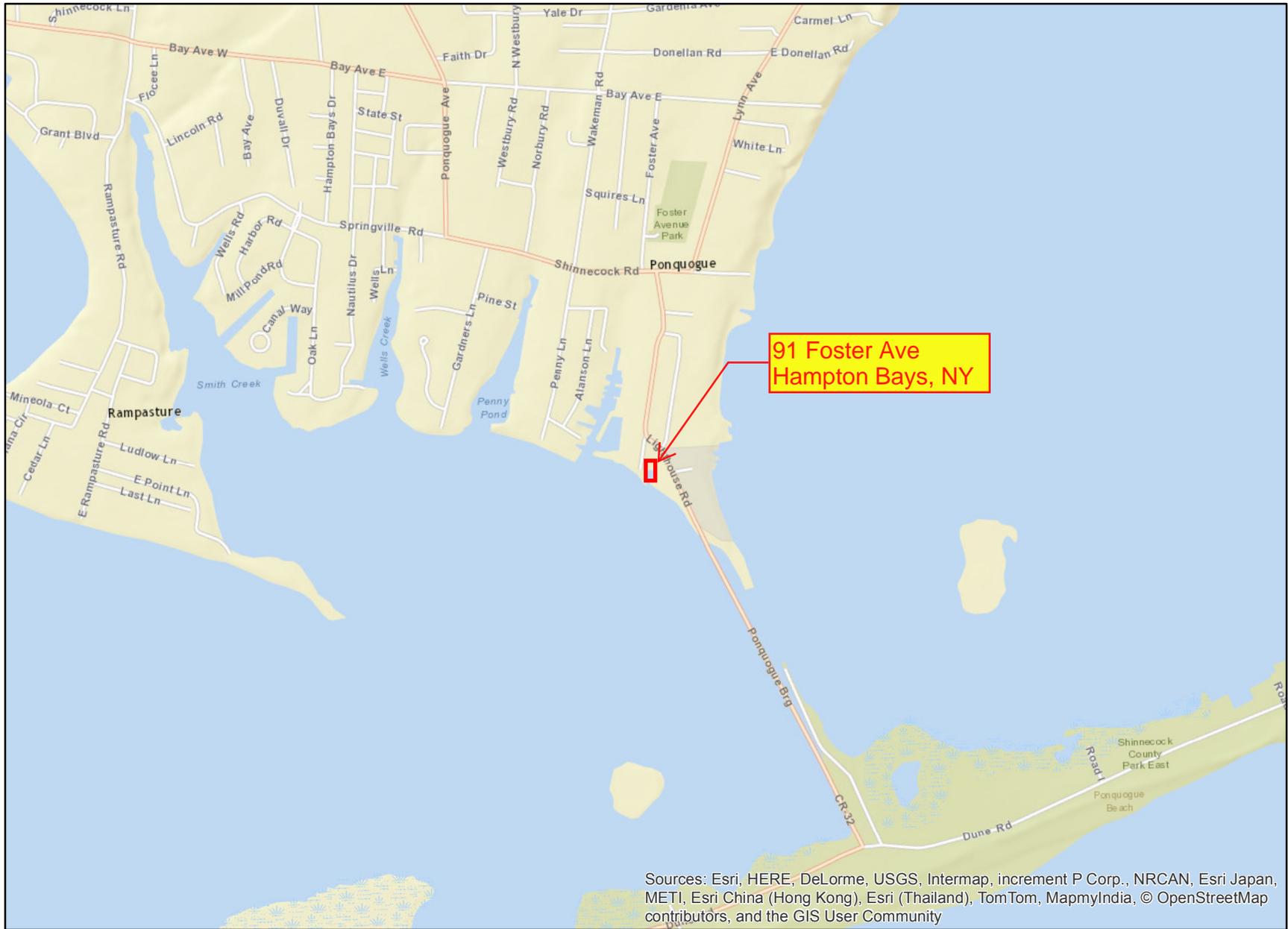
Batch 6 Project List

- A) Project A – K.F.S Corporation**
(103-ED-32691-2013)
 - Site Location Maps
 - EAF Mapper Findings
- B) Project B – JCJ Furman Realty Corp.**
(103-ED-31794-2013)
 - Site Location Maps
 - EAF Mapper Findings
- C) Project C – East End Jet Ski, Inc.**
(103-ED-33004-2013)
 - Site Location Maps
 - EAF Mapper Findings
- D) Project D – Island Park Enterprises, LLC**
(059-ED-62-13)
 - Site Location Maps
 - EAF Mapper Findings

NHP Program Inquiry - Batch 6 dated February 9, 2016 - GOSR Small Business Grant Program

Project	GOSR Project ID	Applicant Name	Applicant Address	Project Work Description
A.	103-ED-32691-2013	K.F.S. Corporation	41 River Road, Hamlet of Sayville (Town of Islip), Suffolk County, NY 11782	Funding is proposed for reimbursement of completed construction-related work. The work included the replacement of the parking lot gate system which included: the replacement of the gate arm machine, ticket readers, ticket spitter, main ticketing computer equipment, printers, and also the replacement of the housekeeping concrete pad for the equipment. Additionally, the receptacles were raised at grade and the associated wiring was re-done. Also, light bulbs were replaced.
B.	103-ED-31794-2013	JCJ Furman Realty Corp.	10 South Ocean Ave, 2nd Floor, Village of Patchogue, Suffolk County, NY 11772	Funding is proposed for reimbursement of completed construction-related work. The work included: the removal of two A/C units, which were blown off the second story roof. Permit fees to the town were paid to temporarily park a lifting crane (14-ton capacity 65' extension boom truck) to install the two new roof top air conditioner compressor units. The purchase and installation of one 5-ton cool only condenser R22 (Dry) and one 2.5-ton R22 (Dry) charge condenser, and associated hook up lines and equipment. The two units were lifted onto the second story roof by the lifting crane and associated lines, and fittings were then rewired and connected to the building.
C.	103-ED-33004-2013	East End Jet Ski, Inc.	91 Foster Ave, Hamlet of Hampton Bays (Town of Southampton), Suffolk County, NY 11946	Funding is proposed for future construction-related work. The project will involve the acquisition and placement of approximately 3,235 square feet of new floating dock system, including pole pilings to align the floating docks. This includes 1,600 square feet of floating walkway docks and 1,635 square feet in EZ-port floating dock, which float in the water and where jet skis and boats can be moored. The new docks will replace an estimated 1,370 square feet of pre-storm floating dock coverage and will also expand the floating dock coverage in this pre-existing developed marine basin.
D.	059-ED-62-13	Island Park Enterprises, LLC	322-326 Long Beach Road, Village of Island Park, Nassau County, NY 11558	Funding is proposed for reimbursement of completed construction-related work, and also for future work. Completed construction-related work: Building repairs including completed electrical work and fixtures for a sink, cabinets, and lamps. Completed electrical repairs included replacement of the electric services with a new 100-amp service, replacement of all outlets and associated wiring, troffer style light fixture purchases, and also electrical inspection. Plumbing fixtures included a pedestal sink and a 19-inch drop-in sink with a 6-foot countertop and 60-inch sink base cabinet. Future construction-related work: The replacement of the HVAC system. Proposed replacement includes two A/C 5-ton capacity units. Associated equipment for this installation includes two 5-ton outdoor condenser units, two 5-ton indoor blower units and associated electrical work, and two 30-foot main metal ductwork. Metal ductwork branches will be installed with flex tubing, and the ceiling diffusers will be 24"/24" in size.

Project C



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



Street Map
East End Jet Ski, Inc.
91 Foster Avenue
Hampton Bays, NY





91 Foster Ave
Hampton Bays, NY



Topographic Map
East End Jet Ski, Inc.
91 Foster Avenue
Hampton Bays, NY



Copyright:© 2013 National Geographic Society, i-cubed



Property within the greater context of the surrounding area.



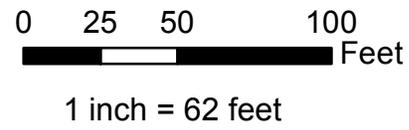
Approximate boundary of:
91 Foster Avenue
Hampton Bays, NY



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.



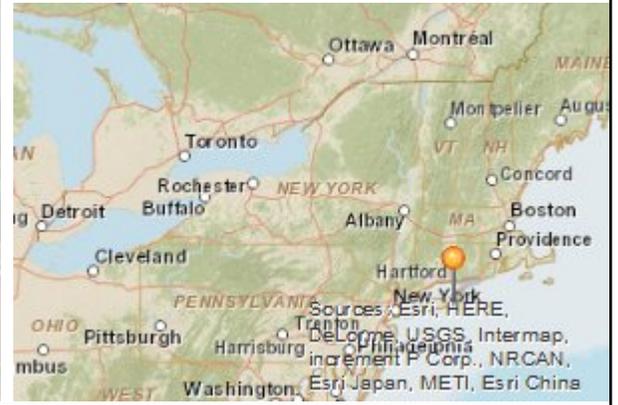
TECTONIC
70 Pleasant Hill Road,
Mountainville, N.Y. 10953
845.534.5959 voice 845.534-5999 fax
www.tectonicengineering.com



Aerial Map
East End Jet Ski
91 Foster Avenue
Hampton Bays, NY



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Lake/Pond Name]	923-29
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	SA
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, Tidal Wetlands
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Shinnecock Bay (and Inlet) – Algal/Weed Growth;Nutrients – Aquatic Life
E.2.i. [Floodway]	No

E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names:Nassau-Suffolk SSA
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



United States Department of the Interior



FISH AND WILDLIFE SERVICE

New York Field Office

3817 Luker Road

Cortland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699

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

To: Alicia Schultz

Date: Feb 9 2016

USFWS File No: _____

Regarding your: Letter Fax Email

Dated: Feb 9 2016

For project: Batch 10 GOSR Projects

Located: various

In Town/County: Nassau/Suffolk

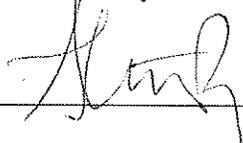
Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the U.S. Fish and Wildlife Service:

Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.

Acknowledges receipt of your determination. Please provide a 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 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 is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s):  2/9/2016

Supervisor: _____ Date: _____



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

February 9, 2016

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

VIA EMAIL: steve_papa@fws.gov

Re: Notice of No Effect for Department of Housing and Urban Development (HUD) Community Development Block Grant for Disaster Recovery (CDBG-DR), Economic Development - Small Business Grant Program Proposed Projects, Batch 10 dated February 9, 2016 (*List of projects attached to this letter*)

Dear Mr. Papa:

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, 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. The environmental review for projects funded under the Small Business Grant Program are processed on a case-by-case basis in accordance with the United States Fish and Wildlife Service (USFWS), New York Field Office's online project review process. GOSR has made a "No Effect" determination for the projects described herein 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 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). This letter requests acknowledgement of this determination from the USFWS.

We have reviewed the projects in the attached list according to USFWS procedures. We completed our reviews on February 8, 2016 and are submitting our project review package to notice the USFWS of the "No Effect" determination made for the proposed projects pursuant to Section 7 of the ESA. We are

submitting case materials so that the USFWS can acknowledge the determination made by GOSR that the proposed projects will have “No Effect” on endangered/threatened species or critical habitat for species under USFWS jurisdiction for each project.

For each project, a street map, topographic map, and aerial image showing the site location are attached (site location maps). Also, attached for each project are the USFWS official species list and IPaC trust resource report for the site location. We are also providing a link to the .kmz files of the project locations separately from this letter. Your assistance with this matter is greatly appreciated.

For additional information please contact me at (518) 474-0647 or Alicia.Shultz@nyshcr.org.

Sincerely,

Alicia Shultz
Community Developer – Environmental Services
New York State Homes and Community Renewal
38-40 State Street, Hampton Plaza
Albany NY 12207

Enclosures:

Batch 10 Project List

A) Project A – K.F.S Corporation

(103-ED-32691-2013)

- Site Location Maps
- USFWS Official Species List
- IPaC Trust Resource Report

B) Project B - Thrive Long Beach Chiropractic, PLLC

dba The Active Life

(059-ED-48-13)

- Site Location Maps
- USFWS Official Species List
- IPaC Trust Resource Report

C) Project C – JCJ Furman Realty Corp.

(103-ED-31794-2013)

- Site Location Maps
- USFWS Official Species List
- IPaC Trust Resource Report

D) Project D – East End Jet Ski, Inc.
(103-ED-33004-2013)

- Site Location Maps
- USFWS Official Species List
- IPaC Trust Resource Report

E) Project E – Island Park Enterprises, LLC
(059-ED-62-13)

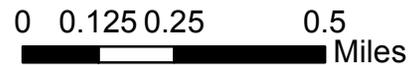
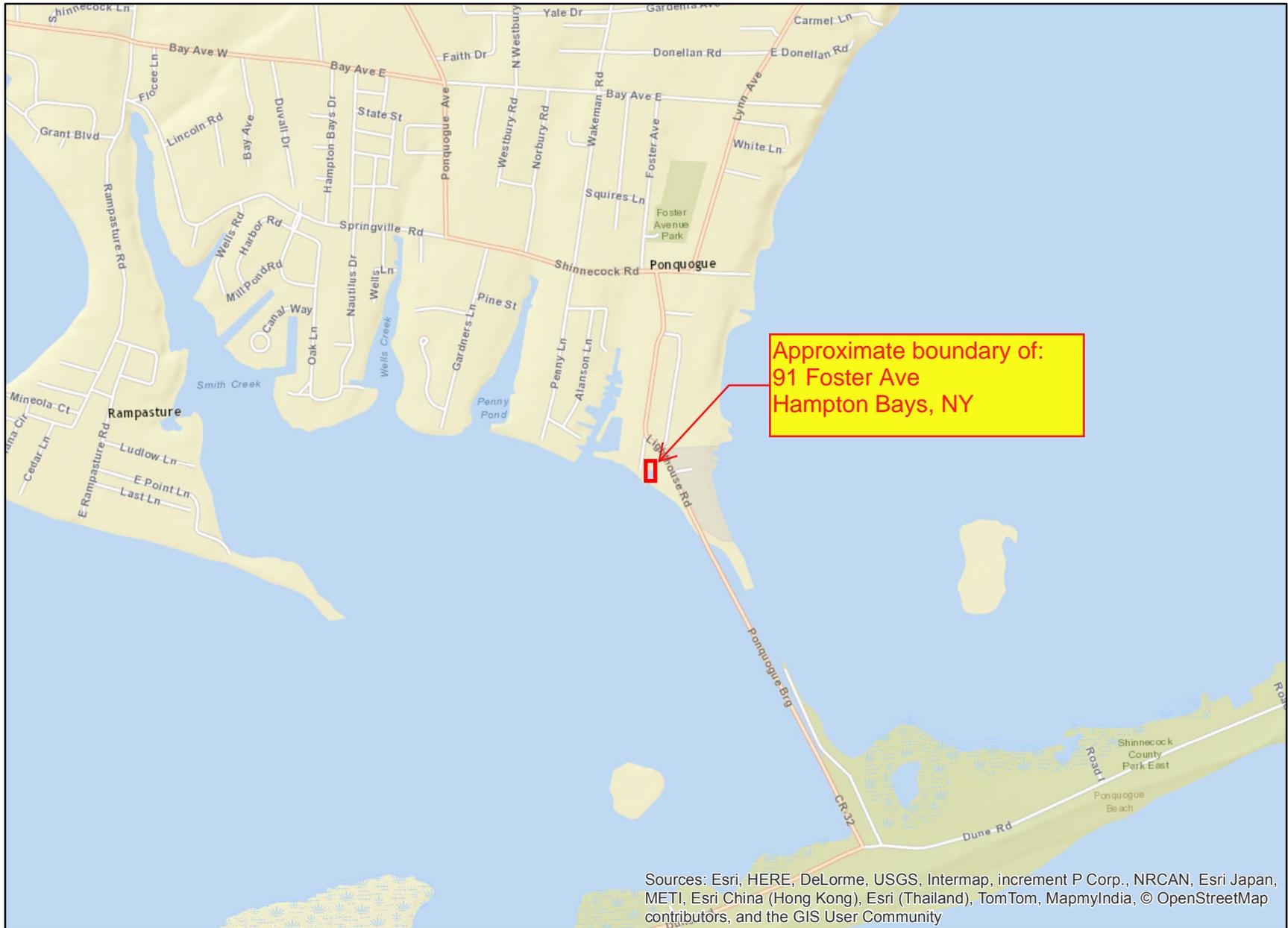
- Site Location Maps
- USFWS Official Species List
- IPaC Trust Resource Report

USFWS ESA Submission - Batch 10 dated February 9, 2016 - GOSR Small Business Grant Program

Project	GOSR Project ID	Applicant Name	Applicant Address	Project Work Description	GOSR Project Review ESA Determination
A.	103-ED-32691-2013	K.F.S. Corporation	41 River Road, Hamlet of Sayville, Suffolk County, NY 11782	<p>Funding is proposed for reimbursement of completed construction-related work.</p> <p>The work included the replacement of the parking lot gate system which included: the replacement of the gate arm machine, ticket readers, ticket spitter, main ticketing computer equipment, printers, and also the replacement of the housekeeping concrete pad for the equipment. Additionally, the receptacles were raised at grade and the associated wiring was re-done. Additionally, light bulbs were replaced.</p>	<p>The USFWS Official Species List shows the Piping Plover, Red Knot, Roseate Tern, Sandplain Gerardia, Seabeach Amaranth, and Northern Long-Eared Bat as threatened and endangered species that could be in the project area (Attachment A). A "No Effect" determination is appropriate because the parking lot and property are located in previously disturbed areas which do not support or provide habitat for any rare, threatened, or endangered plant or animal species. Work occurred within previously developed (paved surfaces) areas only. Therefore, the project activities would not have affected any natural habitats containing any listed species or any designated or proposed critical habitat.</p>
B.	059-ED-48-13	Thrive Long Beach Chiropractic, PLLC dba The Active Life	4454 Austin Blvd, Village of Island Park, Nassau County, NY 11588	<p>Funding is proposed for reimbursement of completed construction-related work. The work included the purchase and installation of a wall-to-wall carpet in the business.</p>	<p>The USFWS Official Species List shows the Piping Plover, Red Knot, Roseate Tern, Sandplain Gerardia, Seabeach Amaranth, and Northern Long-Eared Bat as threatened and endangered species that could be in the project area (Attachment B). A "No Effect" determination is appropriate because the work was conducted within a previously existing building which does not support or provide habitat for any rare, threatened, or endangered plant or animal species. Therefore, the project activities would not have affected any natural habitats containing such species or any designated or proposed critical habitat.</p>
C.	103-ED-31794-2013	JCJ Furman Realty Corp.	10 South Ocean Ave, 2nd Floor, Village of Patchogue, Suffolk County, NY 11772	<p>Funding is proposed for reimbursement of completed construction-related work.</p> <p>The work included: the removal of two A/C units, which were blown off the second story roof. Permit fees to the town were paid to temporarily park a lifting crane (14 ton capacity 65' extension boom truck) to install the two new rooftop air conditioner compressor units. The purchase and installation of one 5-ton cool only condenser R22 (Dry) and one 2.5-ton R22 (Dry) charge condenser, and associated hook up lines and equipment. The two units were lifted onto the second story roof by the lifting crane and associated lines, and fittings were then rewired and connected to the building.</p>	<p>The USFWS Official Species List shows the Piping Plover, Red Knot, Roseate Tern, Sandplain Gerardia, Seabeach Amaranth, and Northern Long-Eared Bat as threatened and endangered species that could be in the project area (Attachment C). A "No Effect" determination is appropriate because the building and property are located in previously disturbed areas which do not support or provide habitat for any rare, threatened, or endangered plant or animal species. The project entailed work on a roof structure and also the use of a crane on already paved surfaces. Therefore, the project activities would not have affected any natural habitats containing such species or any designated or proposed critical habitat.</p>

D.	103-ED-33004-2013	East End Jet Ski, Inc.	91 Foster Ave, Hamlet of Hampton Bays, Suffolk County, NY 11946	<p>Funding is proposed for future construction-related work. The project will involve the acquisition and placement of approximately 3,235 square feet of new floating dock system, including pole pilings to align the floating docks. This includes 1,600 square feet of floating walkway docks and 1,635 square feet in EZ-port floating dock, which float in the water and where jet skis and boats can be moored. The new docks will replace an estimated 1,370 square feet of pre-storm floating dock coverage and will also expand the floating dock coverage in this pre-existing developed marine basin.</p>	<p>The USFWS Official Species List shows the Piping Plover, Red Knot, Roseate Tern, Sandplain Gerardia, Seabeach Amaranth, and Northern Long-Eared Bat as threatened and endangered species that could be in the project area (Attachment D). A "No Effect" determination is appropriate because the project will be located in previously disturbed areas within an existing marina basin. The existing bulkhead around the entire marina basin, where floating docks will be installed, means that there are no previously undisturbed sandy beaches, vegetated shorelines, dunes, coastal overwash flats, trees, or other habitat associated with the listed species that will be disturbed as a result of the project. The project will involve installing the floating dock within the marina basin. Disturbance will be limited to actively used portions of the marina, which include the parking area adjacent to the bulkhead, and also the marina basin itself. Additionally, the bulkhead and project area do not have trees or caves to support the Northern Long-Eared Bat. Therefore, the project would not affect any natural habitats containing such species or any designated or proposed critical habitat.</p>
E.	059-ED-62-13	Island Park Enterprises, LLC	322-326 Long Beach Road, Village of Island Park, Nassau County, NY 11558	<p>Funding is proposed for reimbursement of completed construction-related work, and also for future work. Completed construction-related work: Building repairs including completed electrical work and fixtures for a sink, cabinets, and lamps. Completed electrical repairs included replacement of the electric services with a new 100-amp service, replacement of all outlets and associated wiring, troffer style light fixture purchases, and also electrical inspection. Plumbing fixtures included a pedestal sink and a 19-inch drop-in sink with a 6-foot countertop and 60-inch sink base cabinet.</p> <p>Future construction-related work: The replacement of the HVAC system. Proposed replacement includes two A/C 5-ton capacity units. Associated equipment for this installation includes two 5-ton outdoor condenser units, two 5-ton indoor blower units and associated electrical work, and two 30-foot main metal ductwork. Metal ductwork branches will be installed with flex tubing, and the ceiling diffusers will be 24"/24" in size.</p>	<p>The USFWS Official Species List shows the Piping Plover, Red Knot, Roseate Tern, Sandplain Gerardia, Seabeach Amaranth, and Northern Long-Eared Bat as threatened and endangered species that could be in the project area (Attachment E). A "No Effect" determination is appropriate because the building and property are located in previously disturbed areas which do not support or provide habitat for any rare, threatened, or endangered plant or animal species. Therefore, the project activities would not affect any natural habitats containing such species or any designated or proposed critical habitat.</p>

Project D

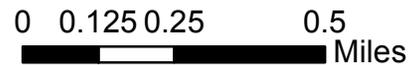


Street Map
East End Jet Ski, Inc.
91 Foster Avenue
Hampton Bays, NY





Copyright:© 2013 National Geographic Society, i-cubed



Topographic Map
East End Jet Ski, Inc.
91 Foster Avenue
Hampton Bays, NY



Approximate boundary of:
91 Foster Avenue
Hampton Bays, NY



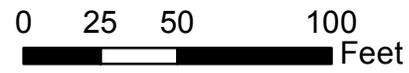
Property within the greater context
of the surrounding area.



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, N.Y. 10953
845.534.5959 voice 845.534-5999 fax
www.tectonicengineering.com



1 inch = 62 feet

Aerial Map
East End Jet Ski
91 Foster Avenue
Hampton Bays, NY



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: 05E1LI00-2016-SLI-0128

February 01, 2016

Event Code: 05E1LI00-2016-E-00108

Project Name: East End Jet Ski, 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: East End Jet Ski, Inc.

Official Species List

Provided by:

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

Consultation Code: 05E1LI00-2016-SLI-0128

Event Code: 05E1LI00-2016-E-00108

Project Type: Federal Grant / Loan Related

Project Name: East End Jet Ski, Inc.

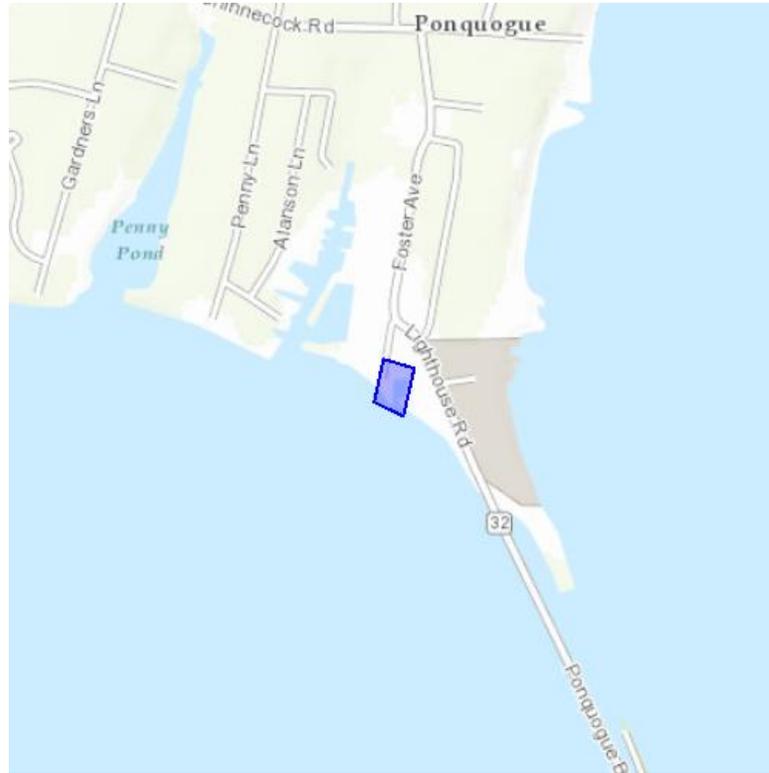
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your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



United States Department of Interior
Fish and Wildlife Service

Project name: East End Jet Ski, Inc.

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-72.50595688819885 40.8503979420722, -72.50523805618286 40.85023360286677, -72.50549018383026 40.84934494676895, -72.5062009692192 40.84961884889159, -72.50595688819885 40.8503979420722)))

Project Counties: Suffolk, NY



United States Department of Interior
Fish and Wildlife Service

Project name: East End Jet Ski, 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>)	Threatened		



United States Department of Interior
Fish and Wildlife Service

Project name: East End Jet Ski, Inc.

Critical habitats that lie within your project area

There are no critical habitats within your project area.

U.S. Fish & Wildlife Service

East End Jet Ski, Inc.

IPaC Trust Resource Report

Generated February 01, 2016 03:01 PM MST, IPaC v2.3.2

This report is for informational purposes only and should not be used for planning or analyzing project level impacts. For project reviews that require U.S. Fish & Wildlife Service review or concurrence, please return to the IPaC website and request an official species list from the Regulatory Documents page.



US Fish & Wildlife Service

IPaC Trust Resource Report



NAME

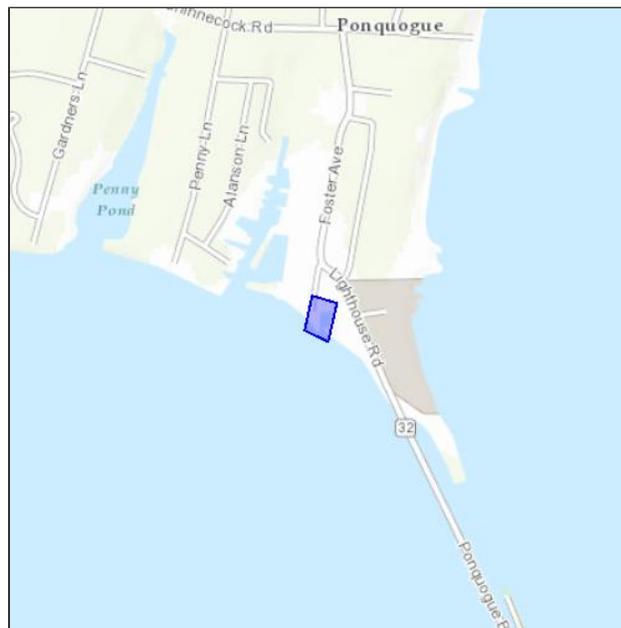
East End Jet Ski, Inc.

LOCATION

Suffolk County, New York

IPAC LINK

<http://ecos.fws.gov/ipac/project/5FFYU-WLS6B-BPVNU-YCRDY-QTUAG4>



U.S. Fish & Wildlife Contact Information

Trust resources in this location are managed by:

Long Island Ecological Services Field Office

340 Smith Road
Shirley, NY 11967
(631) 286-0485

Endangered Species

Proposed, candidate, threatened, and endangered species are managed by the [Endangered Species Program](#) of the U.S. Fish & Wildlife Service.

This USFWS trust resource report is for informational purposes only and should not be used for planning or analyzing project level impacts.

For project evaluations that require FWS concurrence/review, please return to the IPaC website and request an official species list from the Regulatory Documents section.

[Section 7](#) of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list from the Regulatory Documents section in IPaC.

The list of species below are those that may occur or could potentially be affected by activities in this location:

Birds

<p>Piping Plover <i>Charadrius melodus</i></p> <p>CRITICAL HABITAT There is final critical habitat designated for this species.</p> <p>https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B079</p>	<p>Threatened</p>
<p>Red Knot <i>Calidris canutus rufa</i></p> <p>CRITICAL HABITAT No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0DM</p>	<p>Threatened</p>
<p>Roseate Tern <i>Sterna dougallii dougallii</i></p> <p>CRITICAL HABITAT No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B07O</p>	<p>Endangered</p>

Flowering Plants

Sandplain Gerardia *Agalinis acuta* Endangered

CRITICAL HABITAT

No critical habitat has been designated for this species.

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=Q24K

Seabeach Amaranth *Amaranthus pumilus* Threatened

CRITICAL HABITAT

No critical habitat has been designated for this species.

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=Q2MZ

Mammals

Northern Long-eared Bat *Myotis septentrionalis* Threatened

CRITICAL HABITAT

No critical habitat has been designated for this species.

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=A0JE

Critical Habitats

There are no critical habitats in this location

Migratory Birds

Birds are protected by the [Migratory Bird Treaty Act](#) and the [Bald and Golden Eagle Protection Act](#).

Any activity which results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service (1). There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

Additional information can be found using the following links:

- Birds of Conservation Concern
<http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Conservation measures for birds
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Year-round bird occurrence data
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/akn-histogram-tools.php>

The following species of migratory birds could potentially be affected by activities in this location:

Bald Eagle <i>Haliaeetus leucocephalus</i> Year-round https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B008	Bird of conservation concern
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HI	Bird of conservation concern
Canada Warbler <i>Wilsonia canadensis</i> Season: Breeding	Bird of conservation concern
Fox Sparrow <i>Passerella iliaca</i> Season: Wintering	Bird of conservation concern
Great Shearwater <i>Puffinus gravis</i> Season: Migrating	Bird of conservation concern
Gull-billed Tern <i>Gelochelidon nilotica</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0JV	Bird of conservation concern
Horned Grebe <i>Podiceps auritus</i> Season: Wintering	Bird of conservation concern
Hudsonian Godwit <i>Limosa haemastica</i> Season: Migrating	Bird of conservation concern

Least Tern <i>Sterna antillarum</i> Season: Breeding	Bird of conservation concern
Peregrine Falcon <i>Falco peregrinus</i> Season: Wintering https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FU	Bird of conservation concern
Purple Sandpiper <i>Calidris maritima</i> Season: Wintering	Bird of conservation concern
Red Knot <i>Calidris canutus rufa</i> Season: Wintering https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0DM	Bird of conservation concern
Saltmarsh Sparrow <i>Ammodramus caudacutus</i> Season: Breeding	Bird of conservation concern
Seaside Sparrow <i>Ammodramus maritimus</i> Year-round	Bird of conservation concern
Short-eared Owl <i>Asio flammeus</i> Season: Wintering https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HD	Bird of conservation concern
Snowy Egret <i>Egretta thula</i> Season: Breeding	Bird of conservation concern
Upland Sandpiper <i>Bartramia longicauda</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HC	Bird of conservation concern
Willow Flycatcher <i>Empidonax traillii</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F6	Bird of conservation concern

Refuges

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuges in this location

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Wetland data is unavailable at this time.

From: Daniel Marrone - NOAA Federal [mailto:daniel.marrone@noaa.gov]
Sent: Wednesday, March 30, 2016 3:25 PM
To: Shultz, Alicia (NYSHCR) <Alicia.Shultz@nyshcr.org>
Cc: Gievers, Andrea <AGievers@tectonicengineering.com>
Subject: Re: Notice of No Effect Determination - East End Jet Ski, Inc - 103-ED-33004-2013

Hi Alicia,
We have no objection to your no effect determination.
Dan

On Wed, Mar 30, 2016 at 3:20 PM, Shultz, Alicia (NYSHCR) <Alicia.Shultz@nyshcr.org> wrote:

Dear Mr. Marrone:

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, 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. The attached letter requests acknowledgement from 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.

1

Sincerely,

Alicia Shultz

Community Developer - Environmental Services

New York State Homes & Community Renewal

38-40 State St., 408N, Hampton Plaza, Albany, NY 12207

[\(518\) 474-0647](tel:5184740647) | Alicia.Shultz@nyshcr.org |



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

March 30, 2016

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

VIA EMAIL: daniel.marrone@noaa.gov

Re: Notice of No Effect Determination
East End Jet Ski, Inc.
91 Foster Avenue, Hampton Bays Hamlet, Town of Southampton, Suffolk County,
New York (Project #103-ED-33004-2013)

Dear Mr. Marrone:

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, 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 acknowledgement from 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.

We have reviewed the above-referenced project according to NMFS procedures. We completed our review on March 30, 2016 and are submitting our project review package to request no objection to the No Effect determination for a proposed project pursuant to Section 7 of the ESA. We are submitting case materials so that NMFS can indicate no objection to the proposed project having "No Effect" to endangered/threatened species or critical habitat for marine species under NMFS jurisdiction.

Species Data

NMFS Endangered Species Maps for the Atlantic Coast (**Attachment 1**) indicate that the Subject Property is located within the range of Sea Turtles and the estimated range of Atlantic Sturgeon distinct population segments (DPSs). Additionally, NMFS Endangered Species Maps for the Atlantic Coast indicate the proposed project occurs in waters adjacent to water which could support Atlantic Large Whales.

Project Description

East End Jet Ski, Inc. (Applicant) is a boat rental business and marina located at 91 Foster Avenue, Hamlet of Hampton Bays, Town of Southampton, Suffolk County, New York (Subject Property) with access to Shinnecock Bay. Based on Suffolk County Assessment data, this commercial property is designated as Tax Map ID 0900374000200004000. The Subject Property is identified on the enclosed street map, USGS topographic map, and aerial map in **Attachment 2**.

Superstorm Sandy caused flooding, high winds, and power outages which resulted in damage to Applicant's floating docks and marina basin. Several floating docks on the property were washed away. Community Development Block Grant- Disaster Relief grant assistance would provide \$100,000 for future expenses for the replacement of the damaged floating dock system in the marina. The project will involve the acquisition and placement of approximately 3,235 square feet of new floating dock system, including 1,600 square feet of floating walkway docks, and 1,635 square feet of EZ-port floating dock which float in the water and on which jet skis and boats reside. The new docks will replace an estimated 1,370 square feet of pre-storm floating dock coverage and will also expand the floating dock coverage in this pre-existing developed marina basin. All work at this location is future proposed work.

Analysis

The following analysis was used to determine any potential effect the proposed project activities at the Subject Property could have on the Sea Turtles and Atlantic Sturgeon. This analysis incorporates information provided online for the species, available at National Oceanic and Atmospheric Administration Protected Resources Information (<http://www.greateratlantic.fisheries.noaa.gov/protected/section7/listing/index.html>).

Sea Turtles including the Green Sea Turtle (Chelonia mydas), Hawksbill Turtle (Eretmochelys imbricate), Kemp's Ridley Turtle (Lepidochelys kempii), Leatherback Turtle (Dermochelys coriacea), and Loggerhead Turtle (Caretta caretta).

Green Turtles use beaches for nesting, open ocean convergence zones, and coastal areas for benthic feeding. In the U.S. Atlantic and Gulf of Mexico waters, Green Turtles can be found from Texas up to Massachusetts. The greatest threats to this turtle are harvesting of eggs and adults and incidental capture in fishing gear.

Hawksbill Turtles are most commonly associated with healthy coral reefs. Additionally, post-hatchlings are believed to occupy pelagic environments (open waters). The threats

to this species include loss of coral reef habitat, harvesting of eggs and meat, and commercial use of nesting beaches.

Kemp's Ridley Turtles occupy neritic habitat (muddy/ sandy bottoms) where they feed on crabs, fish, and mollusks, and can be found along the Atlantic seaboard. Threats to this species include incidental capture in fishing gear and egg collection.

Leatherback Turtles are generally open ocean animals but are also known to forage in coastal waters. Atlantic Leatherbacks are largely found in Canada which is one of the largest seasonal foraging populations of leatherbacks in the Atlantic. Threats to the Leatherback Turtles include the harvesting of eggs and turtles and incidental capture in fishing gear.

Loggerhead Turtles generally occupy beaches (nesting), water, and nearshore coastal areas. Threats to this species include incidental capture in fishing gear and direct harvest of the species.

Generally, Sea Turtles lay their eggs during the summer months along the border of sand dunes under the sand to allow the hot sand to incubate the eggs. Once hatched, the juvenile turtles enter the water.

The proposed work will be in an active marina, and not in an area of sand dunes or beaches, so there will be no effect to the Sea Turtles' eggs or hatchlings as a result of the proposed work. The marina has bulkheads around the entirety of the basin which would inhibit sea turtles from using the marina basin, which is where the work will be located, as a nesting ground. Additionally, no open ocean habitat will be affected. The project activities will not include activities that are listed as threats to each of the individual Sea Turtle species. The project will not occur in an any area listed as critical habitat for any of the listed sea turtles. The scope of work only involves limited ground disturbance for the placement of floating dock poles in an already established and active marina basin. Due to the location of the work and the limited nature of the proposed activities, it is determined that this project would have "No Effect" on the listed Sea Turtle species.

Atlantic Sturgeon

Atlantic Sturgeon live in open waters of the ocean and spawn in freshwater tributaries such as the Hudson River where the salinity level is low. They are benthic feeders and typically forage on benthic invertebrates. Atlantic Sturgeon spend most of their life in brackish water and migrate into freshwater to spawn. The Atlantic Sturgeon overwinter in deep ocean water. Since the in-water work will be completed in shallow water in a pre-existing and actively maintained marina basin, the project activities will not affect breeding habitat for this species. Thus, it is our determination that the proposed project activities will have "No Effect" to the Atlantic Sturgeon.

Atlantic Large Whales

NMFS Endangered Species Maps for the Atlantic Coast indicate the proposed project occurs in waters adjacent to water which could support Atlantic Large Whales. However, the project only involves limited ground disturbing work to install floating docks in an already established marina basin in very shallow waters. The project location could not support large whales. Therefore, the project will have “No Effect” and Atlantic Large Whale species.

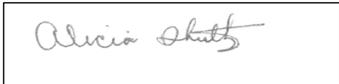
NYSDEC Permits

The project activities will be performed in conformance with the New York State Department of Environmental Conservation (NYSDEC) Permit No. 1-4736-06465/00004, effective 2/16/2016. The applicant is required to comply with all permit conditions including that no dredging, excavation or other alteration of shoreline or underwater areas is authorized, no construction debris can be left in the work area or adjacent area, and other measures to protect water quality. The NYSDEC permit for the work is included in **Attachment 3**. The Applicant is required to comply with all of the conditions contained within the permits.

Due to the location and nature of the proposed project activities, and regulatory standards set by NYSDEC permits at the Subject Property, it is our determination that the project activities will have “No Effect” on the marine species or their critical habitat identified in the NMFS maps.

For additional information, please contact me by email at Alicia.Shultz@nyshcr.org or by telephone at (518) 474-0647.

Sincerely,



Alicia Shultz
Community Developer – Environmental Services
New York State Homes and Community Renewal
38-40 State Street, Hampton Plaza
Albany, NY 12207

Attachments:

- 1) NMFS Endangered Species Maps
- 2) Subject Property Maps
- 3) Environmental Permits

Attachment 1

Estimated Range of Atlantic Sturgeon Distinct Population Segments (DPSs)

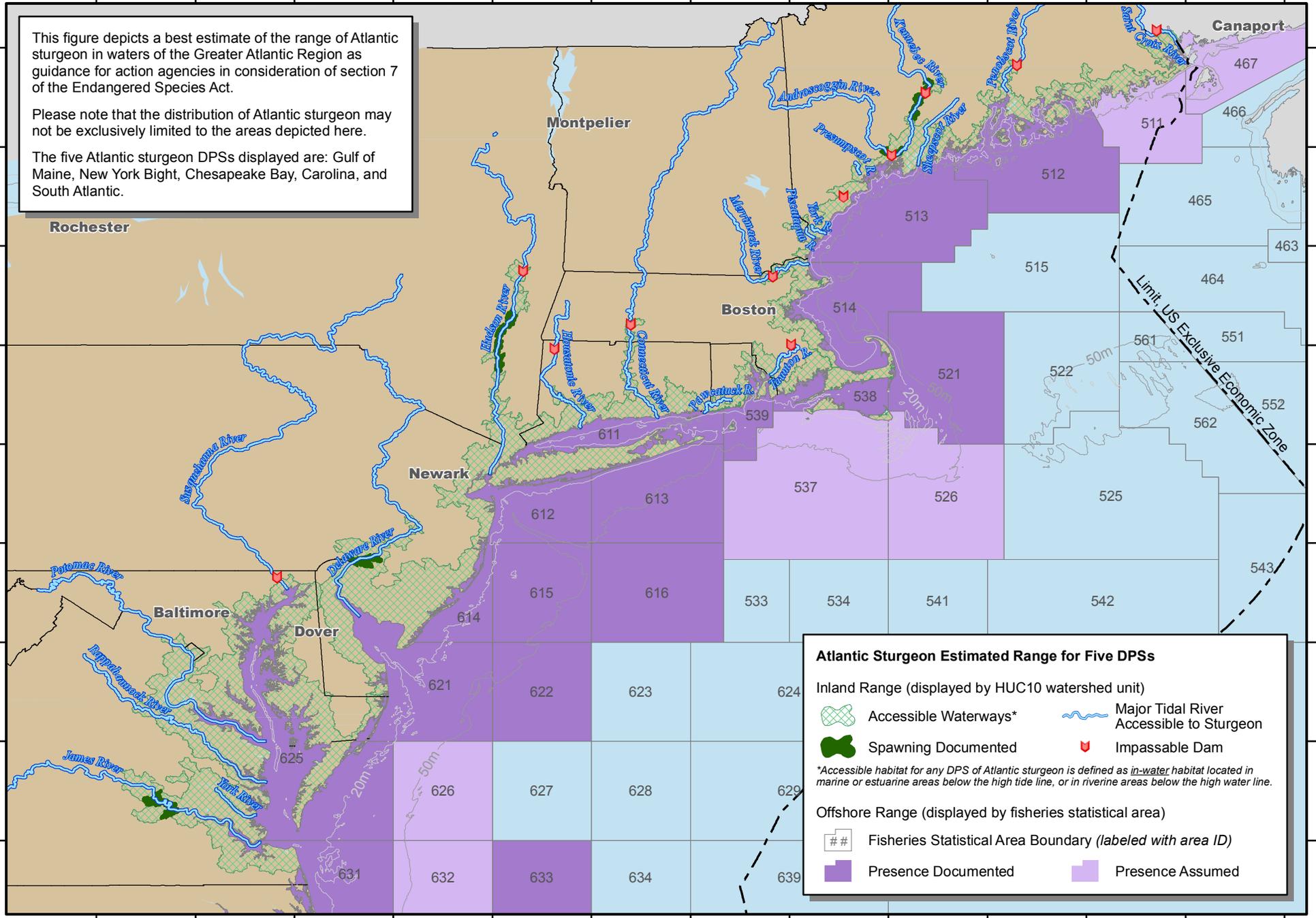
78°W 77°W 76°W 75°W 74°W 73°W 72°W 71°W 70°W 69°W 68°W 67°W 66°W

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)

- Presence Documented
- Presence Assumed

Major Tidal River Accessible to Sturgeon

Impassable Dam

Fisheries Statistical Area Boundary (labeled with area ID)

*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.

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

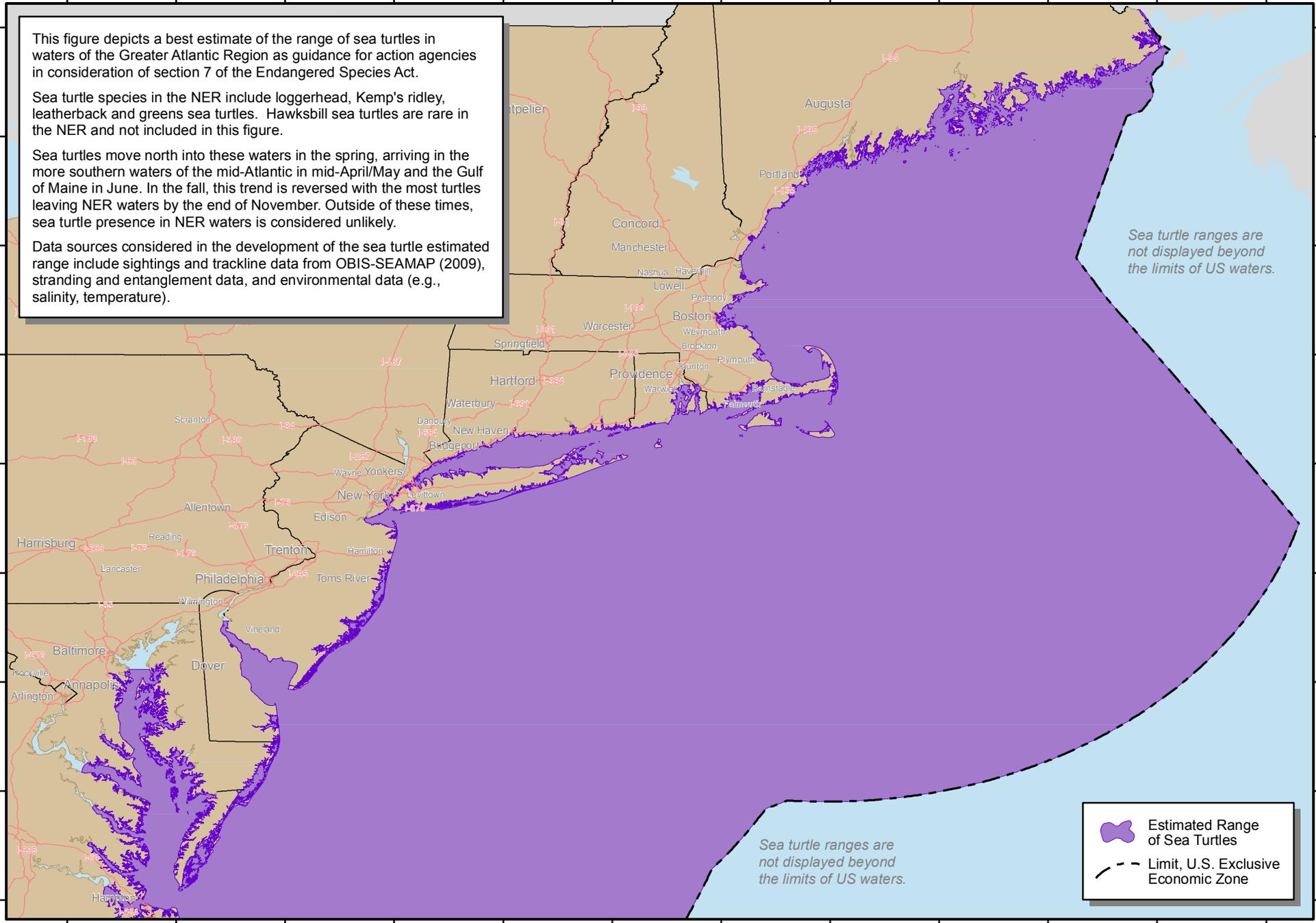
45°N
44°N
43°N
42°N
41°N
40°N
39°N
38°N
37°N

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).

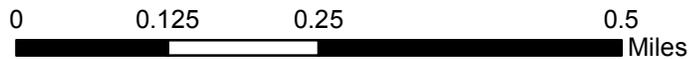
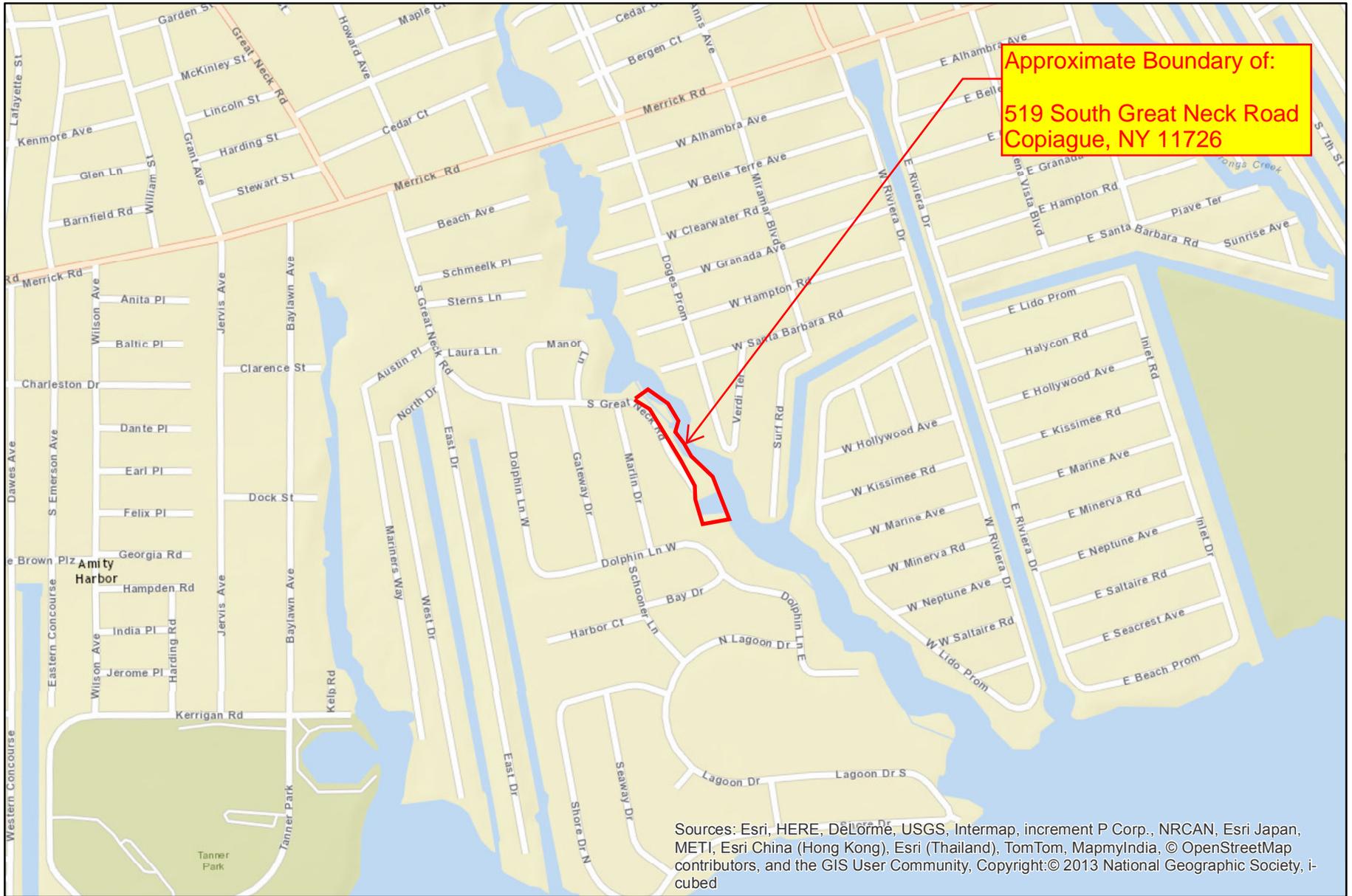


Sea turtle ranges are not displayed beyond the limits of US waters.

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

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

Attachment 2



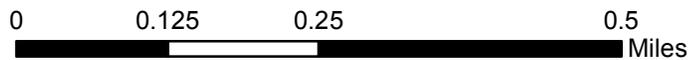
1:10,000



Practical Solutions, Exceptional Service

Street Map
 T&M Property Management Inc
 519 South Great Neck Road
 Copiague, NY 11726
 Suffolk County





1:10,000



Practical Solutions, Exceptional Service

Topographic Map
 T&M Property Management Inc
 519 South Great Neck Road
 Copiague, NY 11726
 Suffolk County



Attachment 3

An aerial photograph of a marina and residential area. A red line is drawn across the image, starting from a red location pin and extending to the edge of a large paved area. The paved area contains a yellow-roofed building, several cars, and a boat. To the right of the paved area is a dark canal filled with numerous white boats. The surrounding area includes houses, swimming pools, and greenery. The text '519 S Great Neck Rd' is overlaid on the image, positioned near the red location pin.

519 S Great Neck Rd

Attachment 4



**Part 2 – PROJECT AUTHORIZATION BY NYSDEC
for GP-1-13-001 Tidal Wetland Bulkhead Replacement With Dredging General Permit**

For NYSDEC Use Only

Use of General Permit GP-1-13-001, Tidal Wetland Bulkhead With Dredging General Permit for the project described on Part 1 – Request for Authorization is AUTHORIZED.

Effective Date of Authorization

Expiration Date of Authorization

Additional Information

This permit only authorizes the replacement of bulkheads. Reconstruction of piers and other boat mooring structures are not authorized by this permit, but may be authorized by other permit(s).

Use of General Permit GP-1-13-001, Tidal Wetland Bulkhead With Dredging General Permit for the project described on Part 1 – Request for Authorization is NOT AUTHORIZED.

Additional Information

NYSDEC Authorization

Authorized Signature

Date

Printed Name

DEC Permit ID

Title

cc

Address NYS Department of Environmental Conservation
Region I
SUNY @ Stony Brook
50 Circle Drive
Stony Brook, NY 11790-3409



New York State Department of Environmental Conservation
REQUEST FOR AUTHORIZATION for
GP-1-13-001 Tidal Wetland Bulkhead Replacement With Dredging General Permit
 Under the Environmental Conservation Law Article 25 and 15

1. Name Applicant
 Telephone: 631-956-3984 Email: CDmarine@optonline.net
 Mailing Address: 519 S. Great Neck Road
 Post Office City: Copiague State: NY Zip: 11726
 Applicant Must be (check all that apply): Owner Operator Lessee
 Taxpayer ID (if applicant is NOT an individual): 33-1048738

2. Name of Property Owner (if different than Applicant)
 Telephone: _____ Email: _____
 Mailing Address: _____
 Post Office City: _____ State: _____ Zip: _____
 RECEIVED
 JAN 26 2016

3. Contact / Agent Name
 Telephone: 631-956-3984 Email: DPAT321@AOL.COM
 Mailing Address: 843 E. Bay Dr
 Post Office City: West Islip State: NY Zip: 11795
 NYSDEC REGION 1 ENVIRONMENTAL PERMITS

4. Project / Facility Name CTD marine
 Project Location - street address, if applicable, or provide directions and distances to roads, bridges and bodies of water:
 Great Neck Creek
 519 S. Great Neck Rd Copiague NY 11726
 Property Tax Map Section / Block / Lot Number: 0100 191.06 03.00 042.00 Proposed Start Date: 2-15-16 Estimated Completion Date: 3-15-16
 Town / Village / City: COPIAGUE Stream/Waterbody Name: Great Neck Creek
 County: Suffolk Name of USGS Quadrangle Map: _____
 Location Coordinates: Enter NYTMs in kilometers OR Latitude/Longitude in degrees, minutes, seconds
 NYTM - E: 636.7 NYTM - N: 4502.2 Latitude: 41°39'33.7 Longitude: 73°22'58.5"

5. Description of Project
 Remove wood bulkhead approx 200 linear ft of damaged bulkhead
 Replace with C-100 9000, Navy style - elevate bulkhead 12"

6. Certification. I have read this permit and will construct this project in compliance with the terms and conditions of the permit and the Environmental Conservation Law and applicable regulations. I understand that any false or inaccurate statements made in the application for this permit are punishable as a Class A misdemeanor. As a condition of this permit I accept full legal responsibility for all damage direct or indirect of whatever nature and by whomever suffered arising out of the project described herein and agree to indemnify and save harmless the state from suits actions damages and costs of every name and description resulting from this project.
 If applicant is not the owner both must sign the application. If you are submitting this application electronically you may print your name and check the box that certifies you are the responsible applicant or property owner in lieu of providing an original signature.

Signature of Applicant: Printed Name: Donna Paterno Date: 1-20-16
 By checking this box, I certify that I am the responsible Applicant
 Signature of Owner: Printed Name: Donna Paterno Date: 1-20-16
 By checking this box, I certify that I am the responsible Owner
 Signature of Agent / Contact: _____ Printed Name: _____ Date: _____

No work is authorized until the permittee receives the signed
 Part 2 - PROJECT AUTHORIZATION BY NYSDEC



PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-1-13-001
Tidal Wetland Bulkhead Replacement with Dredging

Permittee and Facility Information

Permit Issued To:

Applicant Listed on
Request for Authorization

Facility:

Facility Listed on
Request for Authorization

Applicable DEC Region(s): 1

General Permit Authorized Activity: This General Permit applies only in areas on the south shore of Long Island, west of the Robert Moses Causeway to the Queens County border.

Areas excluded from this General Permit include: areas of vegetated tidal wetlands; any ocean shore; the ocean front of Long Beach Island; and all of the Jones Beach State Park and Robert Moses State Park Barrier Islands, including:

- Oak Beach
- Oak Island
- Captree State Park
- Gilgo State Park
- Gilgo Beach State Park
- Gilgo Beach
- West Gilgo Beach
- Tobay Beach Town Park
- Jones Beach State Park
- Cedar and Over Look Town Parks
- Robert Moses State Park

An individual permit is required for projects in these excluded areas.

This General Permit is for:

- A. The removal and replacement of a functional and lawfully existing bulkhead (including returns and parallel capping boardwalks) in the same location as the existing bulkhead.
- The replacement bulkhead may be up to 18 inches higher in elevation than the existing bulkhead.
 - If a bulkhead is non-functional, an individual permit must be obtained.
- B. Maintenance dredging associated with replacement of the functional bulkhead, with the placement of the resulting dredged material behind the replacement bulkhead or elsewhere on the project site. Dredging is limited to:
- 10 feet seaward of the bulkhead on bulkheaded canals, or 5 feet seaward of the bulkhead on bayfronts, and
 - a depth of -4 feet at Mean Low Water.
 - Dredging in areas of bayfront is prohibited from January 15th through September 30th of each year to protect spawning shellfish and/or spawning finfish.



Any proposed alteration or change in the bulkhead location or configuration or dredge area at an individual site is not authorized by this General Permit; such work will require an individual permit.

This General Permit is valid strictly for the activities listed in this General Permit Authorized Activity. Any other structures that are shown on the project plan (e.g., docks, cantilivered decks, boat lifts and floats, etc.) that are not lawfully existing, will not be validated or "legalized" by this use of this permit. Structures that are not lawfully existing are subject to possible Department legal action.

Permit Authorizations

Tidal Wetlands - Under Article 25

Effective Date: 3 / 12 / 14 Expiration Date: 3 / 11 / 19

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

Effective Date: 3 / 12 / 14 Expiration Date: 3 / 11 / 19

Water Quality Certification - Under Section 401 - Clean Water Act

Effective Date: 3 / 12 / 14 Expiration Date: 3 / 11 / 19

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.

General Permit Authorized by

Permit Administrator: STUART M FOX, Deputy Chief Permit Administrator

Address: NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

Authorized Signature: _____

Stuart M. Fox

Date: 3 / 12 / 14

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: WATER QUALITY CERTIFICATION; EXCAVATION & FILL IN NAVIGABLE WATERS; TIDAL WETLANDS

1. Request for Authorization Prior to the use of this General Permit for a project, the applicant must submit a Request for Authorization Form and the following information to the Regional Permit Administrator:

- a. Project location map
- b. Project plans
- b. Survey depicting the bulkhead
- c. Recent color photographs of the site
- d. Permission to Inspect Property Supplement.

Upon review of the project, the NYSDEC Regional Permit Administrator will determine if the project can be issued under this General Permit. Written confirmation of authorization must be received prior to any work.

NYSDEC retains the right to exclude a proposed activity from authorization under this General Permit, and to require the permittee to obtain an individual permit. Exclusions may be due to situations where the NYSDEC has identified a particular resource concern that may be impacted by the proposed activity, such as endangered species habitat, sensitive submerged aquatic vegetation or vegetated tidal wetlands. NYSDEC may limit or exclude dredging from the proposed project. Applicants may pursue the limited or excluded dredging in a standard permit process.

2. 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 the applicant or applicant's agent.

3. Bulkhead Replacement A functional bulkhead (including returns and parallel capping boardwalks) may be replaced. Bulkhead height shall be no more than 18 inches higher than the height of the existing bulkhead.

4. Bulkhead Materials Material used in construction of bulkheads shall be limited to treated wood, naturally rot-resistant untreated wood, vinyl, plastic, fiberglass or steel.

5. Wood Preservatives

- a. Pressure treated wood used for construction of in-water structures must have undergone a treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association.
- b. Wood treated with Pentachlorophenol (PCP) must not be used in wetlands or surface waters.
- c. The use of creosote treated wood is prohibited both in the water and upland areas.
- d. Chromated Copper Arsenate (CCA) pressure treated wood must be clean and free of CCA surface deposits. Wood with surface deposits must be washed for at least 5 minutes under running water prior to use. The washing must occur greater than 100 feet landward of any regulated wetland



- and/or water body. (Note "E." below for handling wash water.)
- e. Any wood debris such as sawdust or wash water must not enter any water body, including wetlands or protected buffer areas.
 6. **Clean Fill Only** All fill shall consist of clean sand, gravel, or soil (not asphalt, slag, flyash, broken concrete or demolition debris).
 7. **No Disturbance** There shall be no disturbance to protected buffer areas (areas previously designated as such and to remain in a natural and/or undisturbed state by the Department or another governmental agency or public entity) as a result of the permitted activity, except for disturbance necessary for bulkhead replacement and restoration.
 8. **Excavation for Bulkhead/Structure** Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill shall be excavated landward of the structure and retained so as not to enter the waterway, tidal wetland or protected buffer area.
 9. **Complete Bulkhead Prior to Backfilling** The new bulkhead shall be completed prior to placement of any fill material behind such structures.
 10. **Dredging** Dredging associated with bulkhead replacement shall only occur in the area 10 feet seaward of the bulkhead on bulkheaded canals, or 5 feet seaward of the bulkhead on bayfronts, and a depth of -4 feet at Mean Low Water.
 11. **Bay-Front Dredging Prohibition Period** Dredging is specifically prohibited from January 15th through September 30th of each year to protect spawning shellfish and/or spawning finfish in areas of bayfront, or as specified on the Request for Authorization Part 2 - Project Authorization by NYSDEC.
 12. **One-time Dredging Only** Dredging shall be undertaken only once in association with the bulkhead replacement.
 13. **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.
 14. **No Hydraulic Dredging** Hydraulic dredging is not allowed.
 15. **Dragline Prohibited** The use of a dragline for dredging is strictly prohibited.
 16. **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.
 17. **Disposal of Materials** Any material dredged or excavated to facilitate placement of the bulkhead shall be retained on the project site above the reach of high water or behind the completed wall to prevent its entry into the water. Off-site, upland disposal of dredged material beyond NYSDEC Tidal Wetland jurisdiction is not authorized by this General Permit and requires an individual site-specific permit.



18. **Leave a Uniform Bottom Elevation** All dredging shall be conducted so as to leave a uniform bottom elevation free of mounds or holes.
19. **Grade to Match That Adjacent to Bulkhead** All fill must be graded to match the elevation of the land immediately adjacent to the bulkhead.
20. **No Runoff Over or Through Bulkhead or into Wetland** There shall be no discharge of runoff or other effluent over or through any bulkhead or shoreline stabilization structure or into any tidal wetland or protected buffer area.
21. **Stabilize Disturbed Areas** All areas of soil disturbance resulting from this project shall be stabilized immediately following project completion or within 30 days of commencement of work, whichever comes first. The disturbed areas must be stabilized with appropriate vegetation (grasses, etc.).
22. **Contain Exposed, Stockpiled Soils** All disturbed areas where soil will be temporarily exposed or stockpiled for longer than 48 hours shall be contained by a continuous line of staked haybales / silt curtains (or other NYSDEC approved devices) placed on the seaward side between the fill and the wetland or protected buffer area. Tarps are authorized to supplement these approved methods.
23. **Seed, Mulch Disturbed Areas** If seeding is impracticable due to the time of year, a temporary mulch shall be applied within 5 days and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth; but not more than six months after project completion and no later than the permit expiration date.
24. **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.
25. **Equipment Storage** The storage of construction equipment and materials shall be confined to within the project work site and upland areas landward of the bulkhead or barge.
26. **Docks, Floats** Installation of additional docks or floats is not authorized by this permit.
27. **No Structures on Pilings** No structures are to be constructed on pilings without further authorization of the Department.
28. **Remove, Replace Mooring Structures** Mooring structures attached to or in proximity to the bulkhead or within the project area may be temporarily removed in order to facilitate bulkhead replacement. These structures may be replaced with the same material, in the same dimensions, in the same configuration and in the same location as they were prior to bulkhead replacement.
29. **No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.



30. 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.

31. 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.

32. 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.

33. 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, NY 11790-3409

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, Excavation & Fill in Navigable Waters, Water Quality Certification.

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.

Attachment 11

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-BGMS

OCT 01 2014

Ms. Alicia Shultz
NYS Homes and Community Renewal
Hampton Plaza, 4th Floor
38-40 State Street
Albany, New York 12207-2804

Dear Ms. Shultz:

The U.S. Fish and Wildlife Service (Service) has reviewed the request dated September 12, 2014, Case # 2843, 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: 91 Foster Avenue
Hampton Bays, NY 11946

Legal Description: Lot 4, Block 2, Section 374

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, including the breakwall at the southern end of the property, is not located within a System unit or an OPA of the CBRS.

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,

Jonathan Phinney, PhD
Chief, Branch of Geospatial Mapping and
Technical Support

cc: Steve Papa, FWS, Shirley, NY
Percy Vasquez, NFIP, Landover, MD