



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

DEC 08 2008

REPLY TO  
ATTENTION OF:

Regulatory Branch-Eastern Permits Section

SUBJECT: Permit Application Number NAN-2008-00984-EHA  
by Suffolk County Department of Public Works for Mud  
Creek, Entrance to Broadwater Cove dredging with ten  
years maintenance and sand beach placement

William Hillman, P.E., Chief Engineer  
Suffolk County Department of Public Works  
335 Yaphank Avenue  
Yaphank, New York 11980

Dear Mr. Hillman:

Enclosed are two unsigned copies of the Department of the Army authorization for your work. If you agree to all statements and conditions included in the draft permit, have both copies signed by the commissioner or other officer authorized to sign for your agency and return both copies to this office. The copies are to be accompanied by a copy of the section of the law, code or regulation showing the authority of the officer signing them. This supporting documentation must be certified by the custodian of such records, under the seal of the agency, or notarized, to be true copies.

Upon receipt of the two signed copies with the supporting documentation one copy of the authorization will be signed at this office and returned to you. No work may begin until you receive your signed permit.

This letter contains an initial proffered permit for your activity. If you object to this permit decision because of certain terms and conditions therein, you may request that the permit be modified accordingly under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you object to this permit decision you must submit a completed RFA form to the New York District Office at:

Richard L. Tomer  
Chief, Regulatory Branch  
New York District Corps of Engineers  
26 Federal Plaza, Room 1937  
New York, New York 10278-0090


In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by                     . It is not necessary to submit an RFA

FEB 08 2009

form to the District Office if you do not object to the permit decision in this letter.

If any questions should arise concerning this matter, please contact Naomi Handell, of my staff, at (917) 790-8523.

Sincerely,

*FOR*   
Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

## DEPARTMENT OF THE ARMY PERMIT

Permittee: Suffolk County Department of Public Works (SCDPW)  
335 Yaphank Avenue  
Yaphank, New York 11980  
(631) 852-4078

Permit No.: NAN-2008-00984

Issuing Office: New York District Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Maintenance dredge, via hydraulic dredge, approximately 5,000 cubic yards of sandy material from a 700 foot long by 100 foot wide navigation channel to a maximum depth of 6 feet below the plane of mean low water.

The resultant dredged material, will be deposited for beach nourishment along a 200 foot section of beach to the west of the channel to be dredged and along a 600 foot section of beach to the east of the channel to be dredged. Approximately 5,000 cubic yards of material will be deposited below the spring high water (SHW) line. Approximately 19,000 square feet of beach area below the SHW line will be affected.

Subsequent maintenance dredging is anticipated to be undertaken up to three additional times over a 10-year period, with an approximate removal of 5,000 cubic yards of material per dredging event. Dredged material placement would be at the same sites.

All work shall be performed in accordance with the attached drawings and special conditions (A) through (J) which are hereby made part of this permit, and the New York State Department of Environmental Conservation Permit No. 1-4738-03858/00001, incorporating the Section 401 Water Quality Certificate, which are hereby made a part of this permit.

Project Location: IN: Mud Creek, Entrance to Broadwater Cove, a tributary to Cutchogue Harbor

AT: Town of Southold, Suffolk County, New York

General Conditions:

1. The time limit for completing the work authorized ends on \_\_\_\_\_.  
If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(B) No dredging shall be permitted from January 15<sup>th</sup> to September 30<sup>th</sup> to avoid impacts to Essential Fish Habitat and Federally managed species.

(C) No dredging shall be permitted from December 16 through September 14 in accordance with the State of New York Department of State letter of general concurrence dated October 3, 2008 and hereby made a part of this permit.

(D) Authorized beach placement activities are not permitted between April 1<sup>st</sup> and September 1<sup>st</sup> of any calendar year to protect piping plovers.

(E) If piping plovers have not utilized suitable breeding habitat in the authorized beach placement area by July 1<sup>st</sup>, the permittee may request permission to begin beach nourishment operations prior to the end of the plover nesting season (September 1<sup>st</sup>). To obtain this permission, the permittee shall submit a written request with an USACE-approved environmental monitor's report documenting that piping plovers have not utilized the authorized beach placement area during the current year. USACE will review the documented request in consultation with USFWS within 2 weeks. Written permission must be obtained from USACE prior to initiation of any work.

(F) The dredged material deposited on the beach shall be consistent with the grain size on the naturally occurring beach.

(G) The authorized beach placement area shall be finished to the same slope as the surrounding beach. The area shall be graded at a gentle uniform slope with no piles, ridges or holes left in the final graded beach placement materials.

(H) By December 1<sup>st</sup> of each calendar year for the duration of this permit, the permittee shall provide to USFWS and USACE an annual report of plover activity, or lack of plover activity, for each authorized beach placement area.

(I) To avoid impacts to endangered or threatened sea turtles, the use of a hopper dredge is prohibited.

(J) The permittee shall submit the dates of commencement and completion of the first and each subsequent maintenance dredging cycle during the ten year life of the permit to this office, ATTENTION: Chief, Regulatory Branch.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403).

(x) Section 404 of the Clean Water Act (33 U.S. Code 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization:

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

PERMITTEE: Suffolk County Department of Public Works  
PERMIT NO.:NAN-2008-00984-EHA

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

\_\_\_\_\_  
(PERMITTEE)

\_\_\_\_\_  
(DATE)

Suffolk County Department  
of Public Works

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

\_\_\_\_\_  
(DATE)

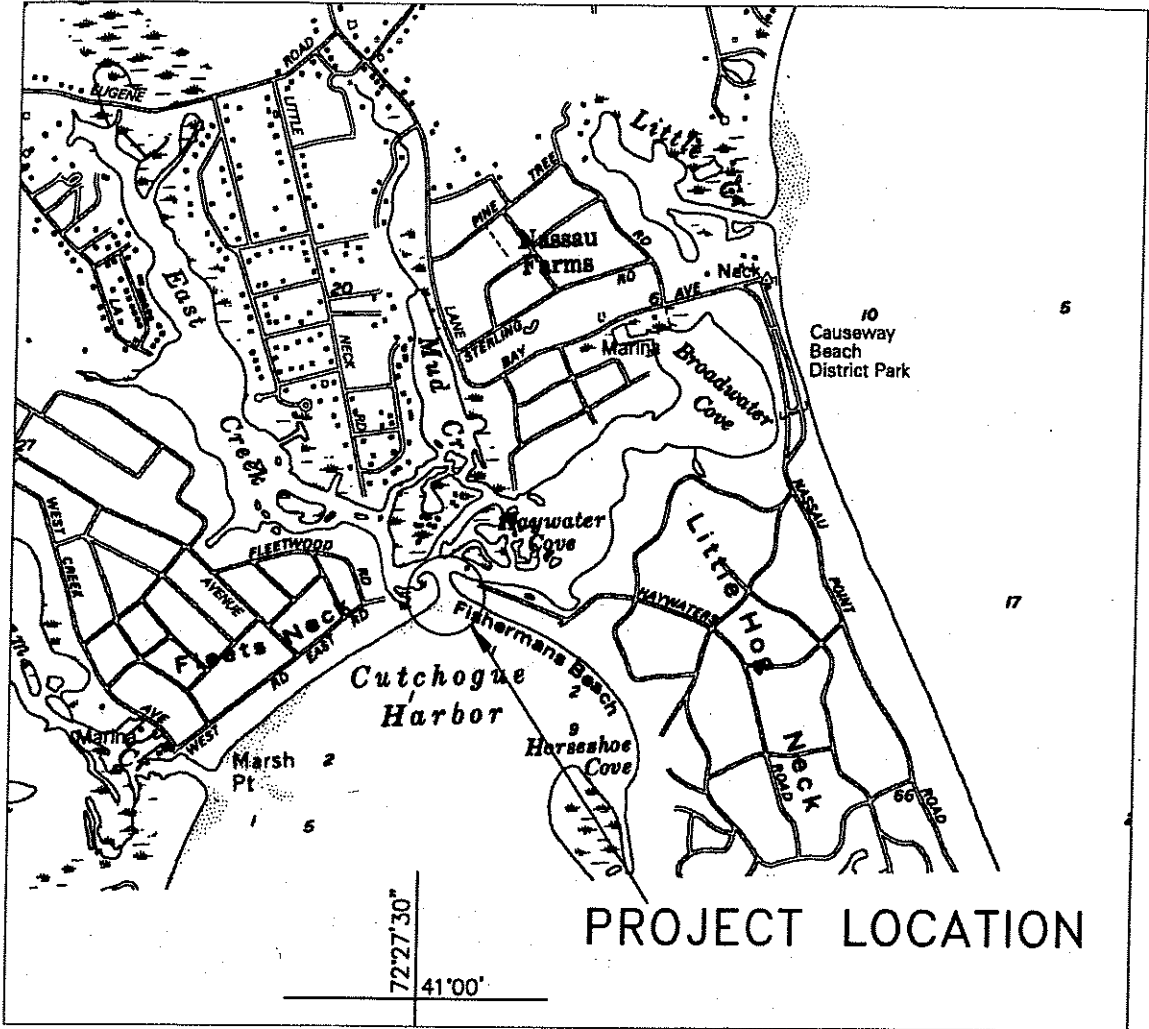
Aniello L. Tortora  
Colonel, U.S. Army  
District Engineer

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below. A copy of the permit signed by the transferee should be sent to this office.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)

N



SCALE 1:24,000  
LOCATION MAP

LOCATION MAP TAKING FROM  
NYSOT QUADRANGLE, MAP FF59

NAN-2008-00984-EMA

**MAINTENANCE DREDGING**

AT MUD CREEK

(ENTRANCE TO BROADWATER COVE)

TOWN OF SOUTHOLD

SUFFOLK COUNTY, NEW YORK

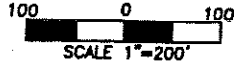
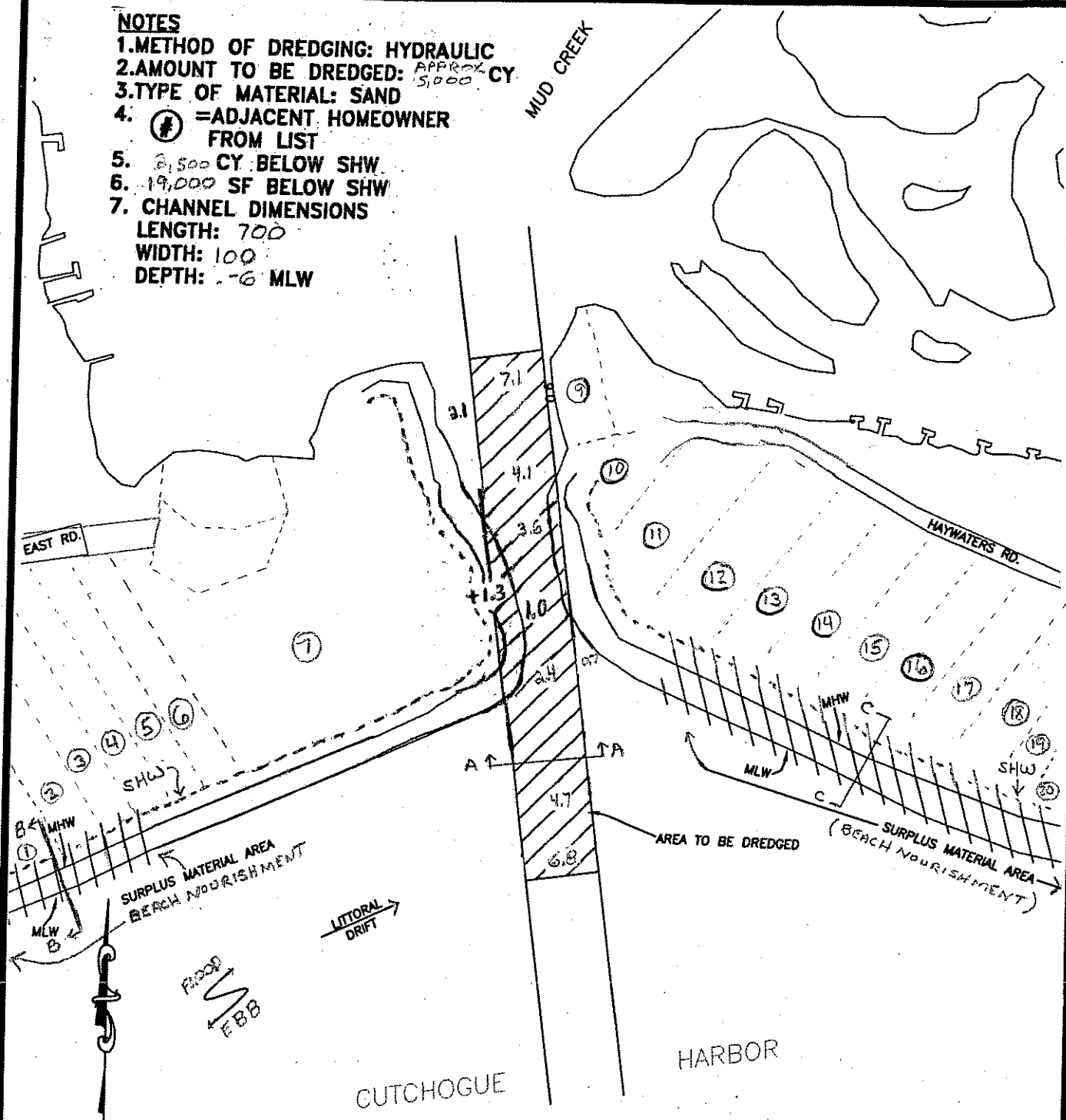
DATE: JUNE 13, 2008

SHEET 1 OF 4

APPLICATION BY COUNTY OF SUFFOLK  
GILBERT ANDERSON, P.E.,  
COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

**NOTES**

1. METHOD OF DREDGING: HYDRAULIC
2. AMOUNT TO BE DREDGED: APPROX. 5,000 CY
3. TYPE OF MATERIAL: SAND
4. (⊕) = ADJACENT HOMEOWNER FROM LIST
5. 2,500 CY BELOW SHW
6. 19,000 SF BELOW SHW
7. CHANNEL DIMENSIONS  
 LENGTH: 700  
 WIDTH: 100  
 DEPTH: -6 MLW



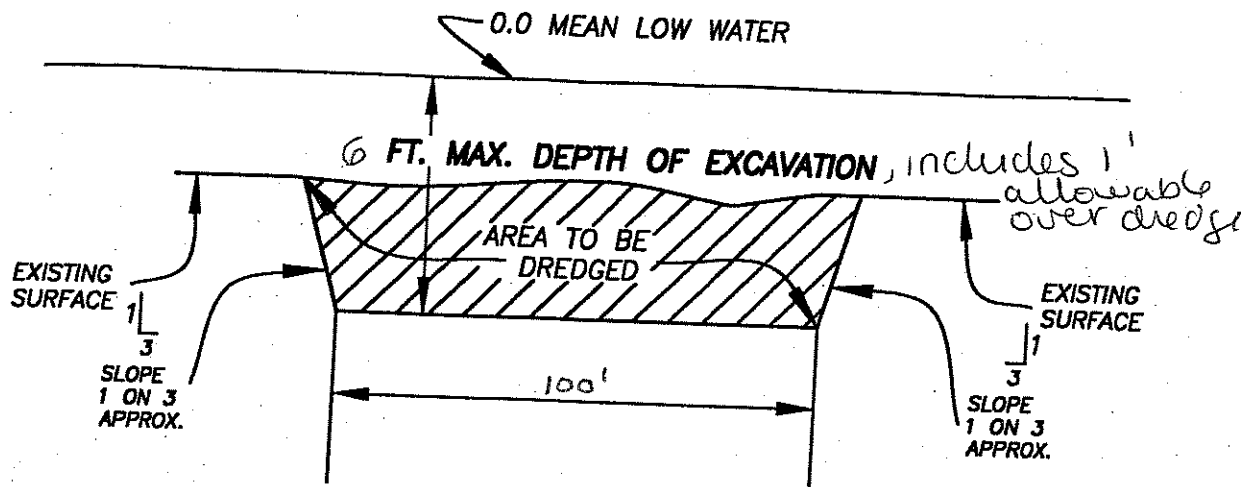
DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)  
 NGVD 29

NAN-2008-00984-EITA

**MAINTENANCE DREDGING**

AT MUD CREEK  
 (ENTRANCE TO BROADWATER COVE)  
 TOWN OF SOUTHOLD  
 SUFFOLK COUNTY, NEW YORK  
 DATE: JUNE 13, 2008 SHEET 2 OF 4

APPLICATION BY COUNTY OF SUFFOLK  
 GILBERT ANDERSON, P.E.,  
 COMMISSIONER  
 DEPARTMENT OF PUBLIC WORKS



**TYPICAL CHANNEL SECTION A-A**

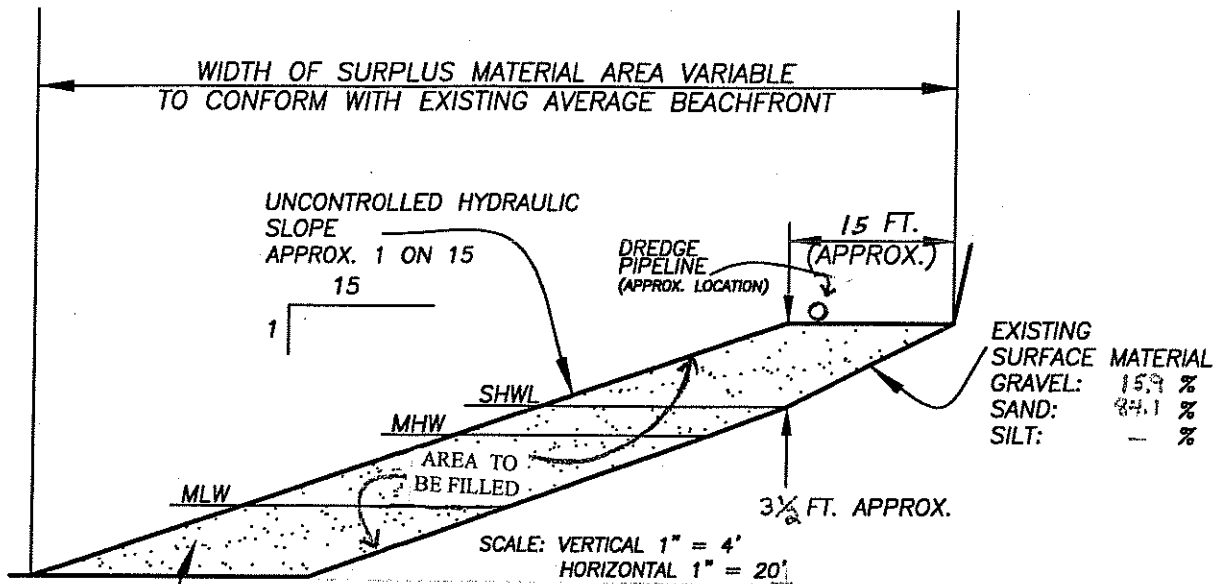
SCALE: VERTICAL 1" = 5'  
 HORIZONTAL 1" = 40'

NAN-2008-09984-EHA

DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)  
 NGVD 29

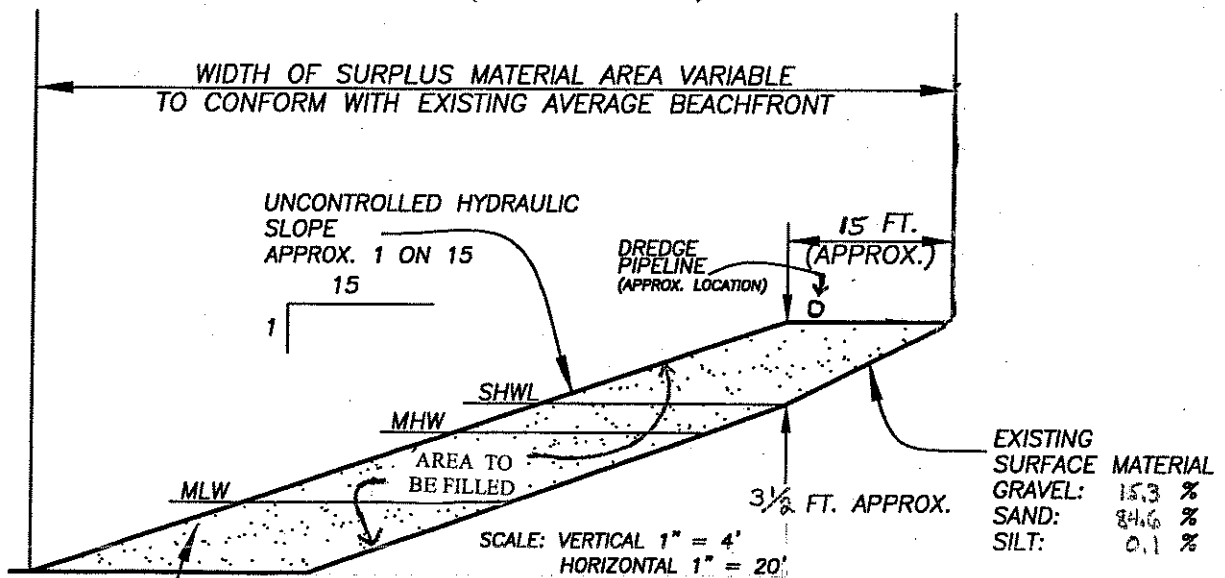
**MAINTENANCE DREDGING**  
 AT MUD CREEK  
 (ENTRANCE TO BROADWATER COVE)  
 TOWN OF SOUTHOLD  
 SUFFOLK COUNTY, NEW YORK  
 DATE: JUNE 13, 2008 SHEET 3 OF 4

APPLICATION BY COUNTY OF SUFFOLK  
 GILBERT ANDERSON, P.E.,  
 COMMISSIONER  
 DEPARTMENT OF PUBLIC WORKS



DREDGED MATERIAL  
GRAVEL: 33.6 %  
SAND: 65.9 %  
SILT: 0.5 %

**TYPICAL SECTION B - B**  
**SURPLUS MATERIAL AREA**  
**BEACH NOURISHMENT**  
(WEST SIDE)



DREDGED MATERIAL  
GRAVEL: 33.6 %  
SAND: 65.9 %  
SILT: 0.5 %

**TYPICAL SECTION C - C**  
**SURPLUS MATERIAL AREA**  
**BEACH NOURISHMENT**  
(EAST SIDE)

NAN-2008-00984 ETTA

DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)  
NGVD 29

APPLICATION BY COUNTY OF SUFFOLK  
GILBERT ANDERSON, P.E.,  
COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

**MAINTENANCE DREDGING**

AT MUD CREEK  
(ENTRANCE TO BROADWATER COVE)  
TOWN OF SOUTHOLD  
SUFFOLK COUNTY, NEW YORK

DATE: JUNE 13, 2008

SHEET 4 OF 4



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
SUFFOLK COUNTY  
H LEE DENNISON BLDG  
HAUPPAUGE, NY 11788  
(631) 852-4002

**Facility:**  
MUD CREEK  
MUD CREEK @ CUTCHOGUE HARBOR  
CUTCHOGUE, NY

**Facility Application Contact:**  
SUFFOLK COUNTY DPW  
335 YAPHANK AVE  
YAPHANK, NY 11980  
(631) 852-4002

**Facility Location:** in SOUTHOLD in SUFFOLK COUNTY **Village:** Cutchogue  
**Facility Principal Reference Point:** NYTM-E: 713.605 NYTM-N: 4542.769  
Latitude: 41°00'29.3" Longitude: 72°27'35.9"

**Project Location:** Mud Creek at Cutchogue Harbor - Watercourse - Mud Creek/Peconic Bay  
**Authorized Activity:** Hydraulically maintenance dredge an existing navigation channel of approximate dimensions 700 feet long by up to 100 feet wide to maximum depth -6 mean low water and pump the resulting approximately 5,000 cubic yards of material to the adjacent beaches as beach nourishment. All work must be as depicted on the attached NYSDEC approved plans dated 10/2/08. (GWH)

**Permit Authorizations**

- Tidal Wetlands - Under Article 25**  
Permit ID 1-4738-03858/00001  
New Permit                      Effective Date: 10/27/2008                      Expiration Date: 1/14/2018
- Water Quality Certification - Under Section 401 - Clean Water Act**  
Permit ID 1-4738-03858/00002  
New Permit                      Effective Date: 10/27/2008                      Expiration Date: 1/14/2018
- Excavation & Fill in Navigable Waters - Under Article 15, Title 5**  
Permit ID 1-4738-03858/00003  
New Permit                      Effective Date: 10/27/2008                      Expiration Date: 1/14/2018



**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: GEORGE W HAMMARTH, Deputy Regional Permit Administrator

Address: *GWA* NYSDEC REGION 1 HEADQUARTERS  
SUNY @ STONY BROOK, 50 CIRCLE RD  
STONY BROOK, NY 11790 -3409

Authorized Signature: *George W. Hammarth*

Date 10/27/08

**Distribution List**

SUFFOLK COUNTY DPW  
Marine Habitat Protection  
GEORGE W HAMMARTH

**Permit Components**

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

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

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

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. **Notice of Maintenance Dredging** For maintenance dredging projects, the permittee shall submit a Notice of Commencement prior to each dredging occurrence, specifying the disposal site (including an updated site plan). Upon completion, a Notice of Completion shall be submitted to the address indicated on that notice form, including the amount of material dredged and deposited at the approved disposal site.
4. **Dredging and material deposition** Dredging and material deposition are prohibited between the dates January 15 and September 30 each year in order to protect the spawning and early life stages of finfish, including the winter flounder, shellfish, and the nesting of endangered/threatened shorebirds.
5. **Dredged material discharge pipe** The dredged material discharge pipe shall be located and positioned to prevent scouring or damage to dunes, bluffs or banks, and to prevent the direct placement of material seaward of the line of apparent high water. A diffuser shall be attached to the end of the pipe.
6. **Placement of Material** Placement of material on the beach updrift of the creek must begin at least 500 feet from the channel.
7. **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.
8. **Leave a Uniform Bottom Elevation** All dredging shall be conducted so as to leave a uniform bottom elevation free of mounds or holes.
9. **Grade Channel Side Slopes** All side slopes of the dredge channel will have a maximum of 1:3 slope.
10. **Dredged Materials on the Beach** All material deposited on the beach shall be of compatible (equal or larger) grain size to the to the naturally occurring beach. If at any time during the dredging operation the composition of the dredged material changes and becomes unsuitable for beach placement, dredging operations shall cease immediately and the office of Marine Habitat Protection shall be contacted with a proposed plan to correct the problem and/or for alternative placement. No further activity will commence without the department's approval.
11. **Dredged Materials above AIHW** All material shall be placed landward of apparent high water.
12. **Dredging Once Per Year** Dredging shall be undertaken no more than once in any calendar year unless specifically authorized by the department.
13. **Dredged Depth Survey** Within 30 days of completion of the dredging operation, an as-dredged depth survey of the dredged area shall be submitted to

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



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

**15. 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.

**16. 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.

**17. 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 sheets 1 of 4 through 4 of 4 by SCDPW dated June 2008 and stamped "NYSDEC Approved 10/2/08."

**18. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**19. 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.

**20. 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 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.



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

5. **Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right 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.

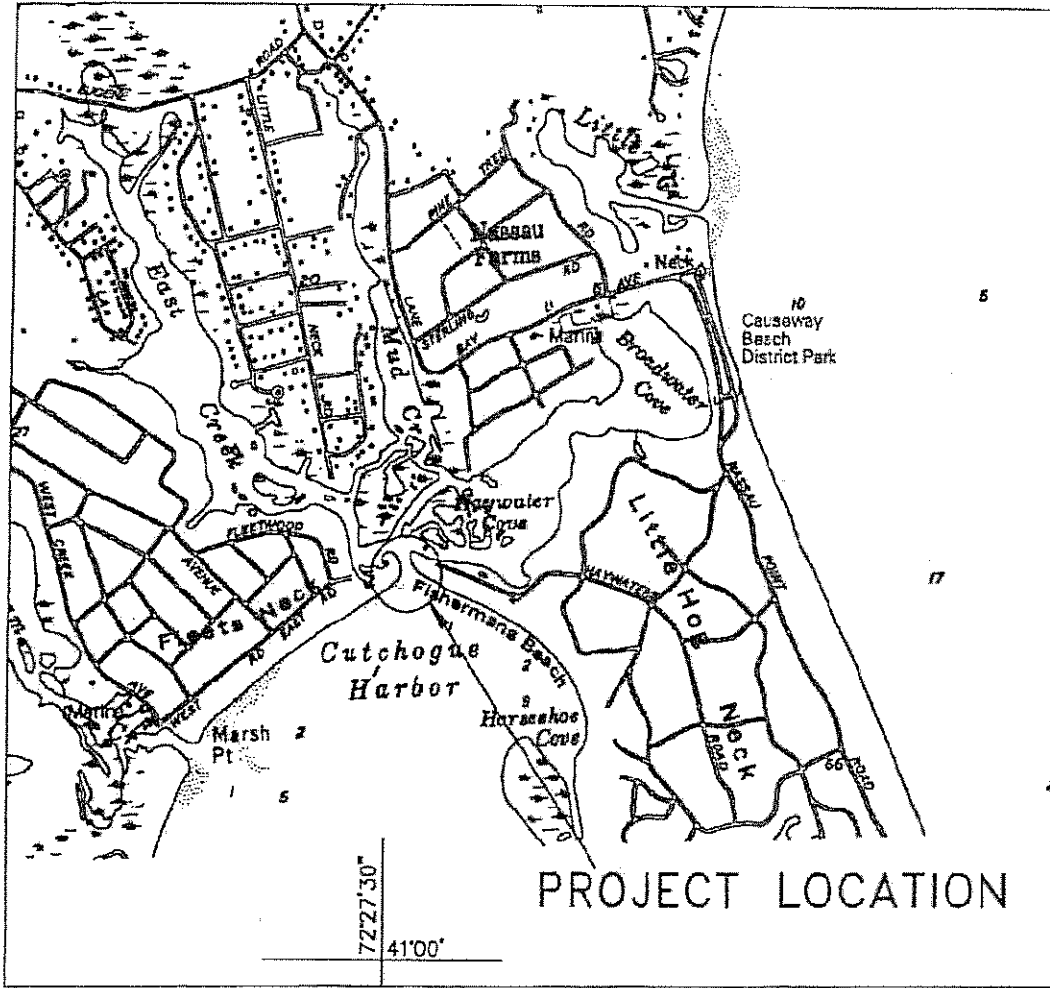
**Item C: Permittee Responsible for Obtaining Other Required Permits**

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.

N



SCALE 1:24,000  
LOCATION MAP

LOCATION MAP TAKING FROM  
NYSOT QUADRANGLE, MAP FF59

NYSDEC  
 APPROVED AS PER TERMS  
 AND CONDITIONS OF  
 PERMIT NO. 1-47728-03858/00001  
 DATE 10/2/08 *[Signature]* *[Signature]*

### MAINTENANCE DREDGING

APPLICATION BY COUNTY OF SUFFOLK  
 GILBERT ANDERSON, P.E.,  
 COMMISSIONER  
 DEPARTMENT OF PUBLIC WORKS

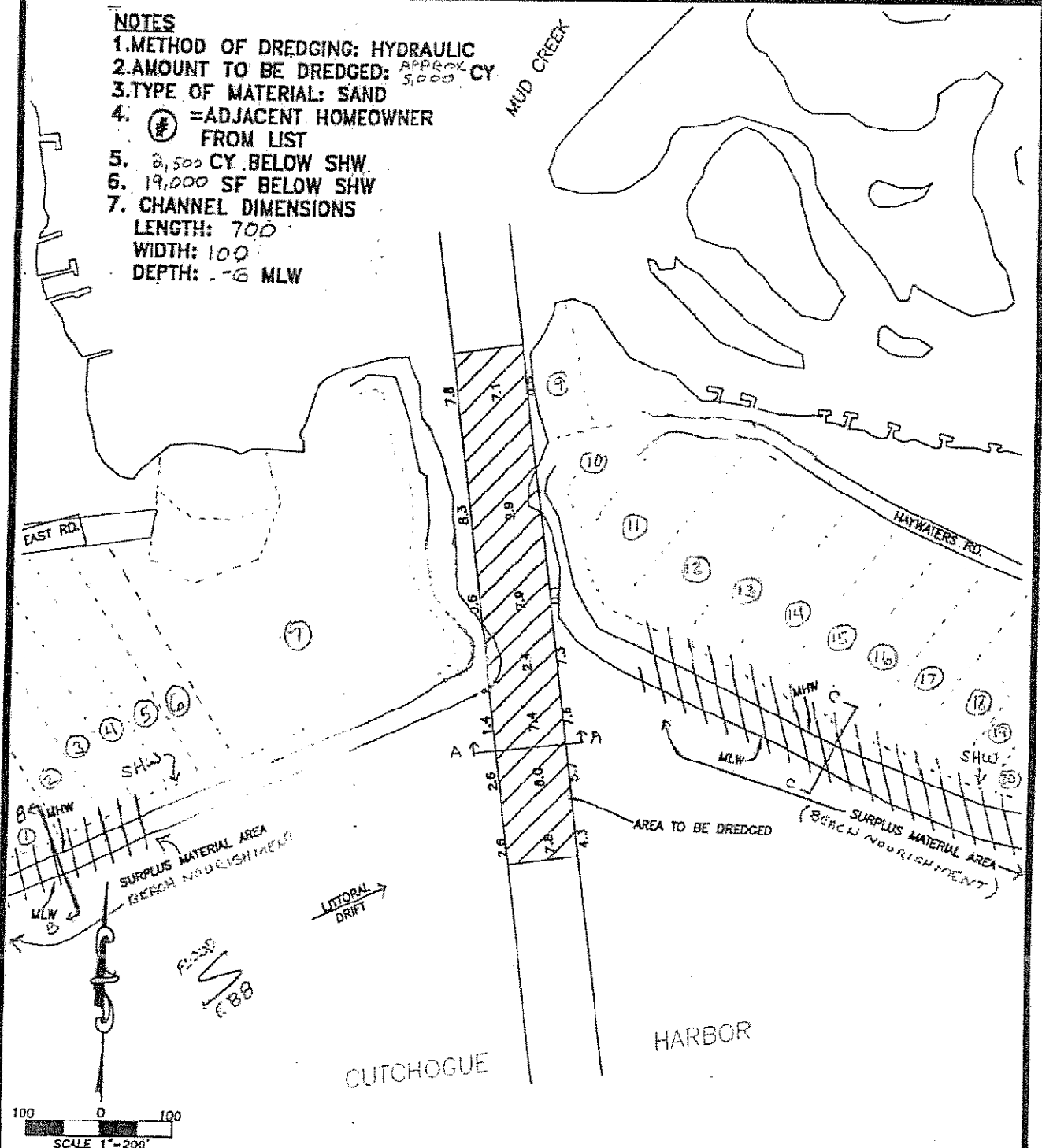
AT MUD CREEK  
 (ENTRANCE TO BROADWATER COVE)  
 TOWN OF SOUTHOLD  
 SUFFOLK COUNTY, NEW YORK

DATE: JUNE 2008 SHEET 1 OF 4

PERMIT NO. 2 of 4  
 DATE \_\_\_\_\_

**NOTES**

1. METHOD OF DREDGING: HYDRAULIC
2. AMOUNT TO BE DREDGED: APPROX. 5,000 CY
3. TYPE OF MATERIAL: SAND
4. (⊗) = ADJACENT HOMEOWNER FROM LIST
5. 2,500 CY BELOW SHW
6. 19,000 SF BELOW SHW
7. CHANNEL DIMENSIONS  
 LENGTH: 700  
 WIDTH: 100  
 DEPTH: -6 MLW



DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)  
 NGVD 29

APPLICATION BY COUNTY OF SUFFOLK  
 GILBERT ANDERSON, P.E.,  
 COMMISSIONER  
 DEPARTMENT OF PUBLIC WORKS

**MAINTENANCE DREDGING**

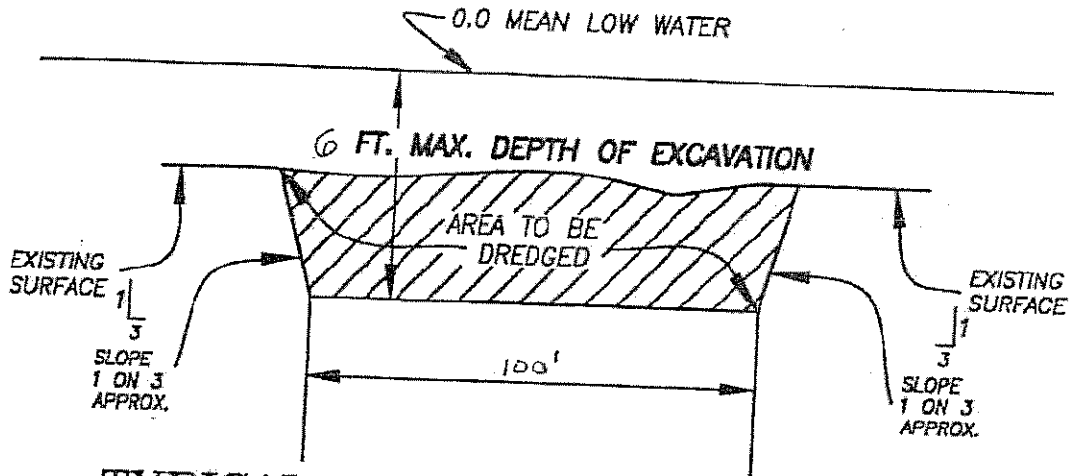
AT MUD CREEK  
 (ENTRANCE TO BRONXWATER COVE)

TOWN OF SOUTHOLD  
 SUFFOLK COUNTY, NEW YORK

DATE: JUNE 2008 SHEET 2 OF 4

NYSDOT  
APPROVED AS PER TERMS  
AND CONDITIONS OF

DATE 3/24



TYPICAL CHANNEL SECTION A-A

SCALE: VERTICAL 1" = 5'  
HORIZONTAL 1" = 40'

DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)  
NGVD 27

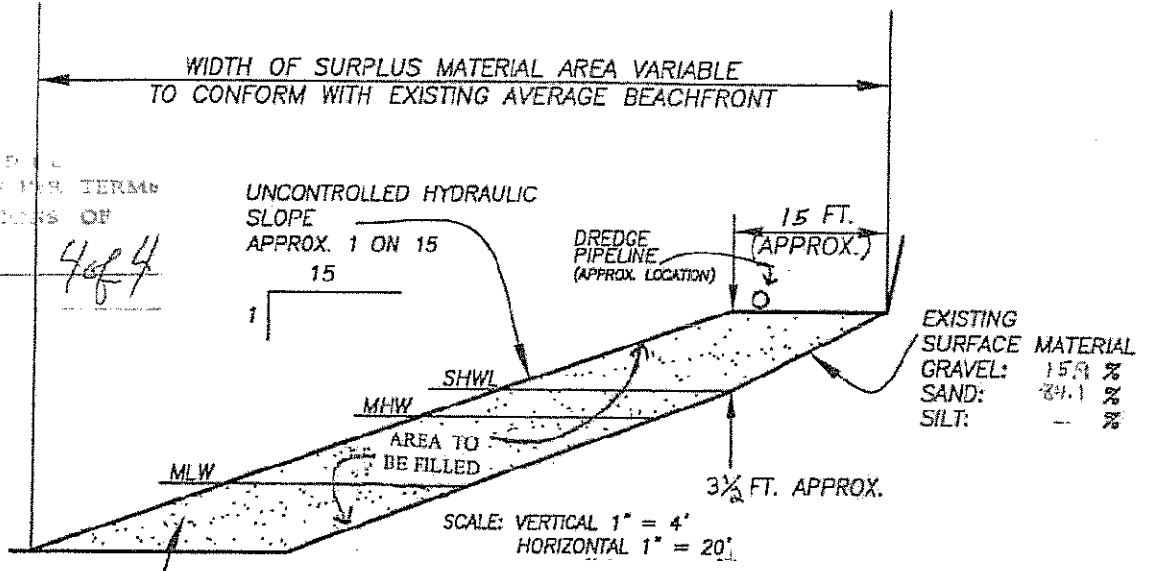
APPLICATION BY COUNTY OF SUFFOLK  
GILBERT ANDERSON, P.E.,  
COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

### MAINTENANCE DREDGING

AT MUD CREEK  
(ENTRANCE TO BROADWATER COVE)  
TOWN OF SOUTHOLD  
SUFFOLK COUNTY, NEW YORK

DATE: JUNE 2008 SHEET 3 OF 4

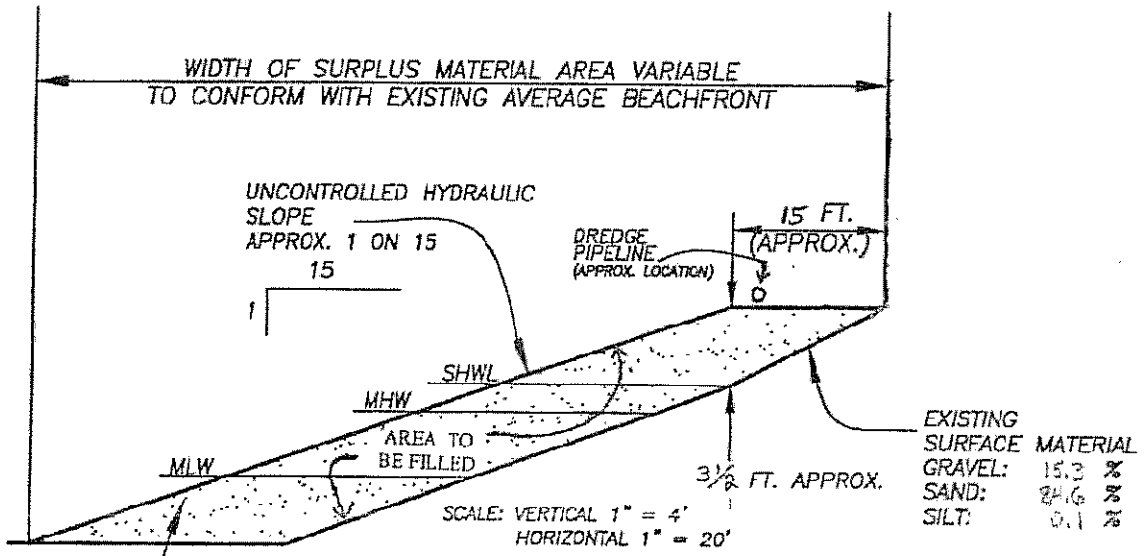
APPROVED AS PER TERMS AND CONDITIONS OF PERMIT NO. 4 of 4 DATE 6/7



DREDGED MATERIAL  
GRAVEL: 33.6 %  
SAND: 65.9 %  
SILT: 0.5 %

**TYPICAL SECTION B - B  
SURPLUS MATERIAL AREA  
BEACH NOURISHMENT  
(WEST SIDE)**

EXISTING SURFACE MATERIAL  
GRAVEL: 15.3 %  
SAND: 84.1 %  
SILT: - %



DREDGED MATERIAL  
GRAVEL: 33.6 %  
SAND: 65.9 %  
SILT: 0.5 %

**TYPICAL SECTION C - C  
SURPLUS MATERIAL AREA  
BEACH NOURISHMENT  
(EAST SIDE)**

EXISTING SURFACE MATERIAL  
GRAVEL: 15.3 %  
SAND: 84.6 %  
SILT: 0.1 %

DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)  
NGVD 29

APPLICATION BY COUNTY OF SUFFOLK  
GILBERT ANDERSON, P.E.,  
COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

**MAINTENANCE DREDGING**

AT MUD CREEK  
(ENTRANCE TO GREAT OAKS)  
TOWN OF SOUTHOLD  
SUFFOLK COUNTY, NEW YORK

DATE: JUNE 2008

SHEET 4 OF 4

2008984



RHW ✓  
10/31/08  
JD

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

DAVID A. PATERSON  
GOVERNOR

LORRAINE A. CORTÉS-VAZQUEZ  
SECRETARY OF STATE

October 3, 2008

RECEIVED  
OCT 31 2008  
DEPT OF PUBLIC WORKS  
CHIEF ENGINEER'S OFFICE  
DOCUMENT NO. 21847

Mr. William Hillman, PE, Chief Engineer  
Suffolk County DPW  
335 Yaphank Avenue  
Yaphank, New York 11980

Re: F-2008-0559  
U.S. Army Corps of Engineers/New York District Permit  
Application- Suffolk Co. DPW (DEC # 1-4738-03858/00001)  
Maintenance dredge a nav. channel @ Mud Creek. Approx. 5,000 cy  
will be removed from a channel 700' long x 100' wide and variable x  
-6' MLW deep. Place surplus material on the adjacent beaches to  
the east and west of the nav. channel as nourishment.  
Mud Creek, Town of Southold, Suffolk County  
**General Concurrence**

Dear Mr. Hillman:

The Department of State received your Federal Consistency Assessment Form and consistency certification and supporting information for this proposal on July 24, 2008.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, further review of the proposed activity by the Department of State, and the Department's concurrence with an individual consistency certification for the proposed activity, are not required.

This General Concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, other forms of authorization or approval that may be required pursuant to existing State statutes.

When communicating with us regarding this matter, please contact us at (518) 474-6000 and refer to our file #F-2008-0559.

Sincerely,

Jeff Zappieri  
Supervisor of Consistency Review  
Division of Coastal Resources

JZ/dc

cc: COE/New York District - Stacey Jensen  
DEC/Region 1 - Karen Westerlind  
Town of Southold LWRP - Mark Terry