

ENVIRONMENTAL ASSESSMENT

for

Construction of Multi-use Educational/Fishing Pier

at

Smith Point County Park

February 2005

Prepared on Behalf of:

Suffolk County Department of Parks, Recreation and Conservation

Required by and Submitted for

U.S. Department of the Interior
National Park Service
Fire Island National Seashore
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I. Introduction

This document is an Environmental Assessment (EA) which has been prepared on behalf of the Suffolk County Department of Parks Recreation and Conservation (SCDPRC) for the construction of a multi-use educational/fishing pier proposed by the county to be built at Smith Point County Park in Shirley, New York. It is being written at the request of the National Park Service (NPS) and is required under the National Environmental Policy Act (NEPA) in order for the NPS to fully evaluate the environmental impacts of the proposed project before the issuance of any permits. Smith Point County Park falls within the boundaries of the Fire Island National Seashore, and any work in tidal waters is subject to NPS jurisdiction. The Suffolk County Department of Public Works and Parks, and the project consultant team, have had numerous meetings with National Seashore staff to discuss the project and to coordinate the project's approval process and NEPA compliance. This Environmental Assessment was prepared in accordance with this coordination effort.

A. Project Setting

Smith Point County Park is located in the town of Brookhaven, Suffolk County at the eastern end of Fire Island. The county park was established in 1955 as part of the project to rebuild the Smith Point Bridge. Access to the park is via the William Floyd Parkway over the Smith Point Bridge. The park is comprised of 1,207 acres and is 6.5 miles long reaching from the entrance at William Floyd Parkway to the west and Moriches inlet to the east. The park serves as a multipurpose facility offering many recreational activities such as the main bathing beach, camping grounds, and the back bay and outer beach areas.

Fire Island is a 32 mile long barrier island that separates the Atlantic Ocean from the Great South Bay (GSB). Fire Island National Seashore (FINS), which was established in 1964, extends along 27 miles of oceanfront beach and approximately 20,000 acres of beach, dune, maritime forest and private hamlets and villages, from Robert Moses State Park eastward to the Moriches Inlet and 1000 feet into open ocean and up to 1.5 miles into the Great South Bay.

Smith Point County Park, which lies within FINS, was allowed to remain a non-federally owned tract of land as did 16 other communities that were established at the formation of FINS.

B. Project Purpose and Need

The proposed project is to create a multi-use educational/fishing pier extending into the Narrow Bay on the north side of Smith Point County Park, for county park and national seashore visitors.

a. Educational Pier

The proposed work area entails all aspects of the Great South Bay ecosystem. Sandy flats, mud flats and aquatic vegetation beds are all present at this site. The proposed pier would be used as an interpretive walk educating students and the general public about this diverse ecosystem and the ways to protect and preserve them for future generations.

b. Fishing Pier

The proposed walkway will also be used as a fishing pier. Access to the deeper waters of the bay is limited to waders and boaters. Due to the layout of the area many fishermen, particularly those with physical handicaps, cannot utilize this productive

fishing area. This pier would give fishermen a chance to reach the better fishing waters and create a handicapped accessible fishing area. This pier will also help to protect the wetlands along the shoreline. Due to the limited access many fishermen have been walking through the wetlands to reach fishable areas. This has caused the loss of the wetland plants from many areas along the shoreline. Protection of the wetland areas below the pier will allow the recovery of many wetland plants to the area.

C. Scope of Work

a. Project Description

The proposed project for which an NPS permit is requested is the construction of a multi-use pier on the north side of Smith Point County Park in Shirley, New York. The 12 foot wide 142' long pier will extend 110 feet into Narrow Bay. The structure will be constructed of timber. All pilings will be installed using both jet injection and pile driving to reach the recommended depth. The decking will be built 6.5 feet above mean high water to allow for sunlight to reach the surface of the water to help promote the growth of the eelgrass bed in the area. The height of the pier will also increase the chance of the regeneration of vegetation in the area that, due to trampling, have been lost.

The pier will be used as an educational interpretive/fishing pier (no mooring of boats will be allowed) to expand both the education of the waterways of Long Island and to expand the fishing opportunities of the area. As of now, there is limited access for fishing for fishermen on this portion of the beach due to the shallow water and limited beach area. The construction of this pier will allow shore fishermen to reach the deeper waters without disturbing the wetlands of the area. With the creation of the pier, the wetland areas will be afforded some protection from trampling and will be able to

regenerate. Also, education on the estuarine habitats in the bay is important in the protection of these areas both on Long Island and in other areas of the coast.

b. Project History

In 2002 Suffolk County Department of Parks, Recreation and Conservation contracted Greenman-Pedersen, Inc. (GPI) to update the Smith Point County Park Master Plan. Included in the updated master plan was the construction of a multi-use educational/fishing pier. This proposed pier is to be constructed in the northeast corner of the beach parking lot extending to the deeper waters of the bay.

Bathymetric surveys of the site were conducted. It was decided that the best route for the pier to reach the deep waters was to extend into the narrow bay towards the northeast. Plans for the pier were submitted to the NYSDEC, NYSDOS and the U.S. Corps of Engineers (Section VII)

NYSDEC requested that GPI undertake mapping of eelgrass beds. Based on this mapping it was determined that the area of the proposed pier was eelgrass habitat. The results of this survey can be found in Appendix A. From this survey it was decided that to best protect the eelgrass, the pier should be changed to extend into the bay to the north.

Any project that requires a federal permit must submit a Federal Coastal Consistency Review to the New York State Department of State. This Coastal Consistency review is to determine whether or not a project is “consistent” or complies with state coastal policies.

In Letter Dated January 7, 2003 the Army Corps of Engineers issued a notice that a special use permit was required by National Park Service for the construction of the pier. Also required for the permit were an Essential Fish Habitat Assessment and Environmental Assessment.

After consultation with National Park Service/Fire Island National Seashore it was determined that the project would require an Environmental Assessment. The scope and content of this EA were discussed and outlined during meetings with NPS/FINS as required by NEPA, Suffolk County Department of Parks, Recreation and Conservation, and GPI.

The Primary issues to be addressed in the EA were determined to be:

- Construction related impacts to the listed species, finfish, benthic invertebrates and water quality.
- Socio-economic benefits derived from the increased fishing opportunities.

c. Schedule of Project

Construction of the pier is to be during the fall/winter season. This is the best time to avoid most of the spawning and nursery habitat of the species in the area.

d. Relevant Planning Documents

It is important to state that this work area is within the boundaries of the FINS/NPS, so in addition to complying with all state and county environmental

regulations all work must also comply with the standards set forth by the NPS in *NPS Management Policies 2001*.

The scope and content of this EA also follows the guidelines set forth in the manual issued by the NPS under Director's Order #12 relative to Conservation Planning, Environmental Impact Analysis, and Decision Making (effective Jan. 8, 2001). This report established the policies and the procedures that the NPS use to carry out their responsibilities under the National Environmental Policy Act.

II Description of Proposed Project and Alternatives

Three alternatives are presented below. In Section IV the impacts of each of the alternatives is presented.

Alternatives that were subject to the full environmental review in this environmental assessment and are as follows:

- Multi-use Pier Extending Northward into Narrow Bay (Preferred Alternative)
- Multi-use Pier Extending Northeastward into Narrow Bay.
- No Action

A. Alternate I (Multi-use Pier Extending Northward into Narrow Bay)

This, the proposed alternative, involves construction of a 142-foot multi-use pile supported pier extending 110 feet into Narrow Bay to the north. All pilings will be installed using two different methods. Jetting of the piles will be used to get them into position and pile driving will be used to reach the optimum depth for strength and stability. The pier will be constructed with timber.

The proposed pier will be located on the northeastern corner of the Smith Point County Park Beach parking lot. As stated, the pier will extend into the bay 110 feet to the north. This alternative will avoid the bulk of the eelgrass bed that is in this area (for map see Appendix A). The pier will be constructed 6.5 feet above the water line to allow ample sunlight to reach the eelgrass bed and to create the least amount of disturbance to the area.

Bathymetric surveys of the area have shown that the average depth is between 2 and 4 feet throughout most of the site. Deeper waters 5 to 6 feet can be found on the bay side of the eelgrass beds. As shown on the eelgrass map the bed is split into two parts by a thin band of unvegetated sandy bottom. The proposed project will intersect these two parts and allow access to these deeper waters.

B. Alternative II (Multi-use Pier Extending to Northeast into Narrow Bay)

This alternative is based on the same theory as alternative I. However this project would extend into the bay to the northeast from the same point of origin as alternative I bisecting one of the eelgrass beds as shown in Appendix A.

C. Alternative III (No Action)

Under this alternative there would be no construction of the pier. Protection of the wetlands and of the eelgrass beds from fishermen trying to reach the better fishing waters would be non-existent. Also, access for the handicapped to these waters will be denied due to the conditions of the site.

III Existing Environmental Setting

A. Threatened or Endangered Species

Piping Plover: (*Charadrius melodus*) – Piping plovers are small light-colored shorebirds that breed on the northern Great Plains, along the Great Lakes, and along the Atlantic Coast from Newfoundland to South Carolina. The Atlantic Coast population is federally listed as threatened.

Piping plovers breed along the Atlantic Coast from March through August. They nest from mid-April through late July with a typical clutch size of four eggs and an incubation period that averages from 27 to 28 days. Nests are shallow depressions in sand, mixed with pebbles or shells in areas with little or no vegetation. Nesting locations are on sandy beaches and spits above the high tide line, on gently sloping dunes, in blowout areas behind dunes, in washover areas between dunes, and on sandy dredge material.

Piping plovers typically fledge only one brood per season, but may renest if initial nests are destroyed. Chicks are precocious, moving about shortly after hatching. The flightless chicks remain with one or both adults for about 25 to 35 days until they fledge. During this time, adults and chicks feed on invertebrates (such as marine worms and fly larvae) found on sandflats, mudflats, the wracklines, and on upper beaches and dunes.

On Fire Island, adults forage on the ocean and bay beaches, in overwash areas, swale areas with sparse vegetation, and in vernal pool habitats. The primary habitat for breeding is along wide ocean beaches and overwash areas. Due to its rarity, available data identified only two to four nests per year in the late 1980's, with the numbers declining in the 1990's. During this same period at Cape Cod National Seashore in

Massachusetts (which has similar habitat), the plover nests increased from 15 to 20 in a year in the late 1980's to from 60 to 110 per year in the 1990's.

Roseate Tern: (*Sterna dougallii*) - Roseate terns are also black and white shorebirds, but are larger than least terns. The northeastern population of the roseate tern is federally listed as endangered. These terns occur/nest within larger common tern colonies on coastal islands and barrier beaches. Large sandflat areas next to dunes provide important feeding and staging areas for recently fledged young and birds preparing for fall migration. Recent Long Island Colonial Waterbird Survey counts have placed the roseate at approximately 1,668 pairs. Due to its rarity and lack of easily identifiable markings, it is a difficult bird to verify. Fire Island sightings of roseate terns foraging and staging have been verified by experienced observers from 1993 through 1995.

Seabeach Amaranth: (*Amaranthus pumilus*) - Seabeach amaranth is an annual herb once found along the Atlantic Coast from Massachusetts to South Carolina. This plant has been eliminated from six states in its historical range and is found today in only New York and North and South Carolina. In 1993, seabeach amaranth was federally listed as threatened under the Endangered Species Act.

Seabeach amaranth is a low-growing plant with fleshy pink or reddish stems and small rounded leaves. It flowers from mid-summer to late fall and produces seeds from July or August until the plant dies. As the growing season progresses, the plant acts as a sandbinder and forms a mound of sand. As the sand mound grows higher, earlier leaves are buried, with the plant often growing to three feet in diameter. The species' primary habitat is on barrier beaches, on overwash fans at ends of islands where new material may

be deposited, and on lower foredunes of noneroding beaches. Its growth is concentrated in the wrack line of material deposited by the highest spring tides. The seeds, which float, are presumably deposited by tidal action. Smaller, temporary populations may be established in blowouts in foredunes.

Seabeach amaranth is seldom found in well-vegetated areas. It appears to need extensive areas of barrier beaches where seeds can be dispersed across the landscape and germinate in suitable habitat as it becomes available.

Seabeach amaranth on Fire Island tends to germinate and grow on the ocean beach, in bare or sparsely vegetated swales, and along overwash zones. It is valuable in natural beach stabilization. Each year the plant may put out hundreds of seeds. Approximately half of the seeds remain on the plant to reseed its habitat. The remaining seeds are dropped to move with the wind and water to new locations. Every beach area with a supratidal zone is habitat for seabeach amaranth throughout the year. Studies note beach driving buries the seeds and prevents germination. Beach development and nourishment tend to bury viable seeds.

Five species of sea turtles have been documented around Fire Island National Seashore, although none nest in the area, and all are found only occasionally in the back bay. The loggerhead sea turtle is federally threatened and the Kemp's ridley, leatherback, hawksbill, and green sea turtles are federally endangered. Sea turtles occurring in nearshore waters are typically small juveniles; the most abundant is the loggerhead, followed by the Kemp's ridley. The waters off Long Island are also warm enough to support green sea turtles from June through October.

The leatherback sea turtle, which is the most commonly observed turtle from May through October, utilizes offshore areas and is not found in the estuaries or backbay areas. The hawksbill sea turtle rarely occurs in the area and is probably an anomalous visitor. Sea turtles begin arriving in the waters around Fire Island in June and July and remain for several weeks, using the shallow coastal waters to forage. Kemp's ridley and loggerheads feed primarily on benthic crustaceans, and green sea turtles feed primarily on eelgrass and algae. The leatherback sea turtle remains offshore of the barrier island and commonly feeds on jellyfish and ctenophores. All sea turtles in the area feed on submerged aquatic vegetation, including green fleece, sea lettuce, and eelgrass. Sea turtles leave the area by late fall as water temperatures decrease. Although sea turtles are occasionally found in the back bay, they have never been documented in the project area. The New York Natural Heritage Program was contacted for records of state listed species in the project area. They have identified a nesting area used by Least Terns (*Sterna antillarum*). Least Terns are listed by New York State as Threatened, meaning that they are native species which are likely to become endangered in the state within the foreseeable future. This species is also listed as Federally endangered, but not on the east coast. The colony identified by the Natural Heritage Program is located on the north side of the bay, approximately 3000 feet northwest of the project location.

Finally, the coastal setting of the project will indicate the potential for occasional visitation by any of the following additional listed birds:

Common Name	Latin Name
NYS Endangered	
Peregrine Falcon	<i>Falco peregrines</i>
Roseate Tern(1)	<i>Sterna dougallii</i>
Black Tern	<i>Chlidonias niger</i>
Short-eared Owl	<i>Asio Flammeus</i>
NYS Threatened	
Bald Eagle (2)	<i>Haliaeetus leucocephalus</i>
Northern Harrier	<i>Circus cyaneus</i>
Common Tern	<i>Sterna antillarum</i>
NYS Special Concern	
Common Loon	<i>Gavia immer</i>
American Bittern	<i>Botaurus lentiginosus</i>
Osprey	<i>Pandion haliaetus</i>
Sharp-shinned Hawk	<i>Accipiter striatus</i>
Coopers Hawk	<i>Accipiter cooperii</i>
Black Skimmer	<i>Rynchops niger</i>
Horned Lark	<i>Eremophila alpestris</i>
Seaside Sparrow	<i>Ammodramus maritimus</i>
(1) Also Federally Endangered	
(2) Also Federally Threatened	

B. Finfishes

Great South Bay is a very important water body for the breeding, feeding and nursery of many species of fish. Listed below are the fish that are found in the Great South Bay and vicinity. Due to the habitat requirements of these species many are not located in this area.

Common Name	Latin Name
Alewife	<i>Alosa pseudoharengus</i>
American Eel	<i>Anquilla rostrata</i>
American Sandlance	<i>Ammodytes americanus</i>
Atlantic Herring	<i>Clupea harengus</i>
Atlantic Menhaden	<i>Brevoortia tyrannus</i>
Atlantic Needlefish	<i>Strongylura marina</i>
Atlantic Silversides	<i>Menidia Menidia</i>
Atlantic Tomcod	<i>Microgadus tomcod</i>
Bay Anchovy	<i>Ancoa mitchilli</i>
Black Sea Bass	<i>Centropristis striata</i>
Blackfish	<i>Tautog onitis</i>
Blueback Herring	<i>Alosa aestivalis</i>
Bluefish	<i>Pomatomus Saltatrix</i>

Common Mummichug	<i>Fundulus heteroclitus</i>
Cunner	<i>Tautoglabrus adspersus</i>
Fourspine Stickleback	<i>Apeltes quadracus</i>
Northern Kingfish	<i>Menticirrhus saxatilis</i>
Northern Pipefish	<i>Syngnathus fuscus</i>
Northern Puffer	<i>Sphoeroides maculatus</i>
Northern Seabrook	<i>Prionotus carolinus</i>
Northern Sennet	<i>Sphyraena borealis</i>
Oyster Toadfish	<i>Opsanus tau</i>
Permit	<i>Trachinotus falcatus</i>
Pollock	<i>Pollachius virens</i>
Rainwater Killifish	<i>Luciana parva</i>
Sheepshead Minnow	<i>Cyprinodon variegatus</i>
Scup	<i>Stenotomus chrysops</i>
Silver Perch	<i>Bairdiella chrysoura</i>
Spotted Hake	<i>Urophycis regius</i>
Striped Bass	<i>Morone saxatilis</i>
Striped Killifish	<i>Funulus majalis</i>
Striped Mullet	<i>Mugil cephalus</i>
Summer Flounder	<i>Paralichthys dentatus</i>
Threespine Stickleback	<i>Gasterosteus aculeatus</i>
Weakfish	<i>Cynoscion regalis</i>
White Hake	<i>Urophycis tenuis</i>
White Mullet	<i>Mugil curema</i>
Windowpane Flounder	<i>Scophthalmus aquosus</i>
Winter Flounder	<i>Pseudopleuronectes americanus</i>

A large number of rare finfish are collected in the Great South Bay. However these species are usually southern species that have been carried up to these areas in the warm waters of the Gulf Stream. (Bokuniewicz, et al.,1993). These usually occur in or near tidal inlets, and would not be expected in the project area.

A required part of a federal assessment is the Essential Fish Habitat Evaluation (EFH). EFH is a 1996 amendment to the Magnuson-Stevens Fishery Conservation and Management Act, strengthening the National Marine Fisheries Service (NMFS) to protect and conserve the habitat of marine, estuarine and anadromous fishes. This act requires that areas of spawning, breeding, feeding and nursery areas be identified for managed

species of fish and fish habitat. In order to best protect EFH, the NMFS must be consulted on all actions that may adversely affect the Habitat. According to the Guide to Essential Fish Habitat Designations in the Northeastern United States (NOAA/NMFS, 1999) the area of the proposed project is within EFH for the Great South Bay.

The following is a discussion of the species that are covered under the auspices of EFH and their life cycles and habitat needs. All information is derived from Essential Fish Habitat designations within the Northeast Region (Maine to Virginia).

Atlantic Salmon (*Salmo salar*)

Narrow Bay has been designated as Essential Fish Habitat (EFH) for Atlantic Salmon Adults. Adult Salmon returning to spawn are found in waters of temperatures less than 22.8 deg. Celsius (C). Oceanic salmon are mostly pelagic and range in waters from New England to Maine and remain in deeper waters until returning to their birth streams. Due to the habitat and environmental conditions of the site, salmon are not likely to be found in this area.

Pollack (*Pollachius virens*)

Narrow Bay has been designated as EFH for juvenile Pollack. They are found in habitats with aquatic vegetation with a sand or mud bottom, in the gulf of Maine and Georges Bank. They are usually seen in water with temperatures below 18 deg. C and a salinity of 29 to 32 parts per thousand (ppt). Due to the shallow water and the salinity below their preferred range, Pollack will most likely not be found on the site.

Winter Flounder (*Pleuronectes americanus*)

Narrow Bay has been designated EFH for Winter Flounder eggs, larvae, juveniles, adults, and spawning adults. Winter flounder eggs are found in bottom habitats with sand, silt,

mud or gravel, with water temperatures below 10 deg C, salinity between 10-30% and water depths less than 5 meters. Most eggs are observed between February and June with peaks in the northeast in March. Larvae Winter Flounder are found in water less than 6 meters in depth with temperatures less than 15 deg. C and salinities from 4- 33 %. Most larvae are captured between the months of March and July. Juvenile (young of year) Winter Flounder are found in bottom habitats with a substrate of mud and fine sand, temperatures below 28 deg. C and depth less than 10 meters. 1-year-old flounder can be found in bottom habitats of mud or fine sand, in water to about 50' with temperatures below 25 deg. C. Adult winter flounder are found in the bays and estuaries along the eastern coast during winter months and migrate to cooler deeper waters in the summer. They tend to be found in waters below 25 deg. C and depths to 100' with salinities from 15 to 33 %. Spawning Adults are observed between February and June in a fine sand or mud substrate (vegetated or not) with water temperatures below 15 deg.C and depths less than 6 meters and a salinity 6 to 36%. Since habitat and environmental conditions in this area are conducive to the winter flounder, it is expected that they will be present on the site.

Summer Flounder (*Paralichthys dentatus*)

Narrow Bay has been designated as EFH as well as Habitat Area of Particular Concern (HAPC) for juvenile and adult Summer Flounder or Fluke. Juveniles are also found in the brackish and seawater zones on mudflats and eelgrass beds and on open bay areas with temperatures exceeding 37 deg C and summer salinities to 30 ppt. During summer months adults will be found inshore and will be present in the same areas as juvenile

fluke, they migrate to deeper waters for the winter months. Juvenile and adult Summer Flounder may be present on the site.

Windowpane Flounder (*Scopthalmus aquosus*)

The Narrow Bay has been designated as EFH for all life stages of Windowpane Flounder. The eggs of the Windowpane Flounder can be found from February to November with peaks in May and October. They are seen in waters with temperatures less than 20 deg. C and depths to 70'. The larvae are found in the pelagic waters in temperatures below 20 deg C and depths to 70'. Larvae are found from February to November approximately the same time as the eggs are observed. Juvenile Windowpane Flounder are found in bottom substrate of mud or fine sand with water temperatures less than 25 deg C and depths from 1' to 100' and salinities ranging from 5.5 to 36%. Adults are found in a bottom substrate of silt or fine sand in temperatures of less than 26 deg. C and depths to approximately 75 foot. Spawning takes place from February to December but peaks in May in this area. Spawning occurs in waters from 1 to 75 foot deep and temperatures below 21 deg C. Habitats and Environmental conditions in Narrow Bay are typical for Windowpane Flounder habitat and they may be found at the site.

American Plaice (*Hippoglossoides platessoides*)

This area has been designated as EFH for American Plaice juveniles and adults. Both age classes are found in water from 45 to 175 feet of water and temperatures below 17 deg C. Due to the habitat and environmental conditions favored by American Plaice, they will most likely not be found on the site.

Atlantic Herring (*Clupea harengus*)

Narrow Bay has been designated as EFH for both juvenile and adult Atlantic Herring. Both age classes are found in pelagic waters and bottom habitats with temperatures below 10 deg C and depths ranging from 15 to 130 meters. Due to the fact that the preferred depths and water temperatures are lower than normally found in the work area, Atlantic Herring are not expected to be in the work area.

Bluefish (*Pomatomus saltatrix*)

Narrow Bay has been designated as EFH for Juvenile and adult Bluefish. Bluefish are mostly a pelagic species spending most of their time in the deeper waters off the coast from Maine to Florida. In the summer months, bluefish migrate into the bays and estuaries along the Mid-Atlantic coast. They can be found in Narrow Bay from April to October depending on the prey species availability. Bluefish may be present in the work area.

Butterfish (*Peprilus triacanthus*)

Narrow Bay has been designated as Essential Fish Habitat for all life stages of Butterfish. Larvae, juvenile and adult Butterfish are a pelagic species spending most of their time in water from 33 feet to 6000 feet deep. The eggs of the butterfish can be found in the brackish waters of estuaries along the eastern shoreline of the U.S. Since the habitat and environmental conditions are not conducive to the butterfish, they will most likely not be found in the work area.

Atlantic Mackerel (*Scomber scombrus*)

Narrow Bay has been designated as EFH for Atlantic Mackerel. This species is found in the pelagic waters in depths to approximately 1200 feet and water temperatures between 39 and 72 deg F. The eggs have been collected in waters from shore to approximately 15

meters and temperatures from 5 to 23 Deg C. Eggs are most often seen in beginning in the fall and peaking in winter and spring. The larvae can be found in the bays and estuaries along the Atlantic Coast in waters from 10 meters to approximately 130 meters deep. Juvenile Mackerel are found to a depth of 1,500 feet and waters from 4 to 16 deg C. Since water temperatures and depths in the area are not favorable for the Atlantic Mackerel, they will most likely not be present in the area.

King Mackerel (*Scomberomorus cavalla*)

Narrow Bay has been designated as EFH for all life stages of King Mackerel. EFH for King Mackerel is the pelagic waters around sandy shoals of capes and offshore bars, high profile rocky bottoms and the oceanside of barrier islands. It is a migratory pelagic species and would not be expected in the shallow waters of Narrow Bay and will not be found at the work area.

Spanish Mackerel (*Scomberomorus maculatus*)

Narrow Bay has been designated as EFH for all life stages of Spanish Mackerel. EFH for Spanish Mackerel is the pelagic waters around sandy shoals of capes and offshore bars, high profile rocky bottoms and the oceanside of barrier islands. It is a migratory pelagic species and would not be expected in the shallow waters of Narrow Bay and will not be found at the work area.

Cobia (*Rachycentron canadum*)

Narrow Bay has been designated as EFH for all life stages of Cobia. EFH for Cobia is the pelagic waters around sandy shoals of capes and offshore bars, high profile rocky bottoms and the oceanside of barrier islands. Also, Cobia can be found in high salinity

bays, estuaries and seagrass habitat. Due though to the environmental conditions and the habitat of the site Cobia or not expected at the work site.

Scup (*Stenotomus chrysops*)

Narrow Bay has been designated as EFH for all life stages of Scup or Porgy. Eggs and larvae are found in the brackish and seawater zones of estuaries and bays along the east coast in water temperatures ranging from 55 to 73 deg F. Juveniles are found in bays in the spring and summer in water temperatures over 45 Deg F with habitats of sand, mud and eelgrass beds. Adult scup are found in the summer months in bays and estuaries and migrate to deeper waters in winter. Scup may be present in the project area.

Black Sea Bass (*Centropristus striata*)

Narrow Bay is designated as EFH for Black Sea Bass. Eggs of the Black Sea Bass are usually found over the continental shelf though they may be found in the estuaries where adults are abundant throughout the year. Juveniles are found inshore on structured habitats such as sponge beds or eelgrass. Juveniles are found in rocky or sandy bottoms near eelgrass beds where prey species, such as crabs, can be found. Adults can be found in bays and estuaries near man made structure, such as docks or bridges from May to October. Due to the habitat and environmental conditions at the site adult Black Sea Bass will most likely not be present on the site.

Loligo Squid (Long Finned Squid)(*Loligo pealei*)

This area has been designated EFH for Loligo Squid. Pre-recruits (less than or equal to 8 cm) are found offshore from 0 to 700 feet of water. Recruits (greater than 8 cm) summer

in the bays and estuaries along East Coast of United States and winter in deep offshore waters. Due to the habitat and environmental conditions not being conducive to Loligo Squid they will not be found in work area.

Short finned Squid (*Illex illecebrosus*)

This area has been designated as EFH for Short Finned Squid. Both Pre-recruits (less than or equal to 10 cm) and Recruits (greater than 10 cm) are found offshore in the pelagic waters from shoreline to 700 and 1000 feet respectively. They will not be found in the work area.

C. Benthic Species

The Substrate of Great South Bay is home to myriad benthic organisms. In the vicinity of the project, two habitat types predominate. These are non-vegetated bay bottom and eelgrass beds. Edinger, et al. does not have a corresponding habitat classification for non-vegetated bay bottom, possibly because it may be an ephemeral phase between eelgrass colonizations. Bokuniewicz, et al., on the other hand, provides a detailed description of this habitat type, which is not uncommon in the Great South Bay. The habitat is characterized by numerous mollusks, including, notably, the Hard Clam, *Mercenaria mercinaria*, the precipitous decline of which in the bay has been extensively documented (for example see Koppelman and Davies, 1987 and Grover, 2003). In addition to the Hard Clam, many other bivalves and numerous snails are present in the habitat, as are several species of polychaete worms and various crustaceans. Horseshoe Crabs (*Limulus polyphemus*), a species whose decline has generated considerable concern late, are also known to be historically numerous in this area.

Eelgrass beds, also common in the project area, contain considerably higher biodiversity and generate orders of magnitude greater productivity, in comparison to unvegetated bay bottom. Edinger classifies this habitat as marine eelgrass meadow. It is dominated by eelgrass (*Zostera marina*). Eelgrass, in turn provides a substrate for myriad epiphytic species including various algae species, delicate hydroids, and evolutionarily curious tunicates. Eelgrass communities are particularly notable for providing the habitat for the Bay Scallop (*Aequipecten irradians*), which formally occurred in commercially harvestable densities in the area. Bay Scallop populations on Long Island, however, have been decimated by blooms of Brown Tide microalgae. Numerous other mollusk species inhabit eelgrass beds, as do many species of polychaetes, coelentaetes, and crustaceans.

D. Aquatic Vegetation

As indicated above, the most important submerged vegetation in the area of the proposed project is eelgrass (*Zostera marina*). Eelgrass meadows are important in the stabilization of sediments, the reduction of currents and wave action on the shoreline and providing food and shelter for many marine species.

Bokuniewicz et al, states that throughout history populations of eelgrass have fluxuated in the Great South Bay. Reasons for the fluxuations have been suggested to have been from several different factors, salinity changes and wasting disease in the thirties, and in 1985-1986 Brown Tide was responsible for decreased biomass.

Surveys performed in 1977 found eelgrass beds along the south shore of the Great South Bay extending from Smith Point to Barrett Beach and in 1978 these beds were

extended westward. In 1985-86 Brown Tide caused a decline in the populations but extensive beds were still found in the southeastern portion of the bay.

The most limiting factor in the Great South Bay on the distribution of Eelgrass is light. *Zostera sp.* require at least 12 hours of light above photosynthetic compensation per day to survive (This is determined by average secchi depth over the course of a year). Increases in turbidity due to eutrophication, brown tide, or other causes will reduce the amount of light, thus limiting the distribution of beds. According to Bokuniewicz et al, this can be seen in the difference in eelgrass biomass in the northern and southern portions of the bay, whereas, there is a greater abundance of eelgrass biomass in the southern waters due most likely to the greater mixing of oceanic waters from the inlets.

Salinity, temperature and the water level can also effect the distribution of the eelgrass beds. In many areas of the bay it is seen that where lower salinities are found the abundance of eelgrass is greatly reduced. Again this can be seen in the comparison of north vs south. Another factor is extremely cold weather. Ice scour can physically remove the root/rhizomes system. Water level is another major factor. Though eelgrass can withstand some exposure to air this along with high temperatures can create widespread dieoffs. Unfortunately for the eelgrass, the raising of the substratum, is due to their reduction of the currents in the area and thus the deposition of sediments.

E. Terrestrial Species

The upland portion of the project area consists of a concrete rip-rap armored shoreline. Edinger classifies this as Estuarine riprap/artificial shore. He goes on to state that vegetative cover and species diversity are low compared to natural estuarine shores. Terrestrial species observed in this area include Song Sparrows (*Melospiza melodia*) and

Savannah Sparrow (*Passerculus sandwichensis*), which were seen foraging for small invertebrates. To the west of the proposed pier area is a stand of Common Reed (*Phragmites*). Red-winged Blackbirds (*Agelaius phoeniceus*) have been observed nesting in these reeds. To the southeast is an area of saltmarsh, dominated by cordgrass (*Spartina*). Willets (*Catoptrophorus semipalmatus*) have been observed roosting in this marsh area during the spring and summer.

Smith Point Park is in an open, coastal setting within the Atlantic Flyway. As a result of this setting, avian rarities can be expected to make occasional appearances. As an example, in 2001, a Northern Wheatear (*Denanthe oenanthe*) a thrush of the arctic tundra, arrived and stayed for several days in the parking area adjacent to the project site.

F. Water Quality

Waters of this area of the bay are classified SA by the NYSDEC. This classification is for waters that are best suited for the harvest of shellfish and human contact recreation.

G. Benthic Substrate

The unconsolidated sediments which make up the bay bottom consist of fine to medium quartz/feldspar sand. Since the bay here is very narrow and shallow, only extreme storm events are capable of entraining and transporting these sediments. In addition, tidal currents are nearly insignificant.

H. Cultural Resources

The project site is comprised mostly of land beneath the mean high water in the area. Upland areas are comprised of filled land and concrete rubble to stop the effects of erosion on the site. There are no structures on the site that are historically significant.

Archaeological resources are not expected to be present at the site due to the site, as stated, being created from fill material.

I. Noise

Noise sources in the area consist of motor boats, cars, active recreational activities, birds, and the oceanfront rush. In general the park experiences very low noise levels. There are no nearby residential residences or other sensitive land uses.

J. Recreation and Public Use

This project will enhance the recreational and public use of the area allowing a more diverse population to access the waters for both the educational aspect and the fishing. As stated before, this area is accessible to fishermen with boats or those willing to wade into the deeper waters. The construction of the pier will bring the deeper waters into the realm of the handicapped and also children.

K. Issues Considered Not Relevant to Project (Air Quality, Environmental Justice, Farmlands)

Air Quality- The project area is well ventilated by coastal breezes. Air quality is not an issue.

Environmental Justice- The proposed project will not adversely affect any socially or economically disadvantaged people.

Farmland- The project area contains no farmland of any kind.

IV. Impacts of the Proposed Project and Aspects of Other Alternatives

A. Listed Species

Although piping plovers, roseate terns, and seabeach amaranth are all found in the general vicinity of the project area (primarily on the ocean side of the barrier island), no impacts on these species are expected because the project area does not contain the type of habitat used by these species (in general, sparsely vegetated, sandy areas). The project site is characterized by concrete rip-rap along the bay shoreline, and is immediately adjacent to a very large public parking lot. Piping plovers, roseate terns, and seabeach amaranth have not been documented in the project area. Because the habitat in the project area is unsuitable for these species, no impacts to these species are expected. In the context of the Endangered Species Act, the impact of the proposed project on these species is determined to be: no effect.

No impacts on sea turtle species are expected from the proposed project. Sea turtles are only occasionally found in the back bay, and have never been documented in the project area. In addition, seasonal restrictions on in-water work generally limit construction activities to the winter, when water temperatures are too cold for sea turtles. Finally, given their mobility, sea turtles can be expected to easily avoid the noise and disturbance of any in-water work in the immediate project area. Therefore, no impacts to these species are expected. In the context of the Endangered Species Act, the impact of the proposed project on these species is determined to be: no effect.

With respect to state listed species, as noted in Section III, the New York Natural Heritage Program has identified a Least Tern nesting colony approximately 3000 feet northwest of the project. The project is too far from this colony, and separated from it by

the William Floyd Parkway and Smith Point Bridge, to have any impact on this resource. With respect to the other potential state species listed in Section III, none of these use the concrete rip-rap shoreline which characterizes the project area. Also, none of these species will be impacted by the small bay area being utilized by the proposed pier. During spring and summer, it is likely that Common Terns, if present, will utilize the pier's pilings for roosting, courtship, and feeding of recently fledged young. This will enhance the educational opportunities provided by the proposed pier.

B. Finfish EFH

As shown in section III.B this area is considered Essential Fish Habitat for several species of fish. Since most of the fish in this area are mobile they will be able to migrate out of the area and return when the work is completed. Eggs and larvae that are in this area, especially that of the Winter Flounder will either be displaced or destroyed by Alternate I and II. This, however, will be in an extremely small area and will not impact local productivity of this species. In respect to the other species listed they all are mobile and will be able to avoid the project area during the construction phase.

C. Benthic Species and Aquatic Vegetation

As a result of the pre-application conference with the NYS Department of Environmental Conservation, the project consultant team mapped and surveyed the location of the eelgrass beds in the area of the proposed project. The original pier alignment (alternative II) infringed upon one of these beds. This alternative II would impact upon the eelgrass community, as the piers shadow would reduce sunlight penetration, needed for eelgrass photosynthesis, into the water column. The preferred alternative (Alternative I) was then developed, which utilizes an alignment that avoids

encroachment into any of the area's eelgrass beds. Impact on eelgrass habitat, therefore, is mitigated by this alternative. Impact to the unvegetated bay bottom will result, but since there is no filling proposed with the project, these impacts will be very minor in nature.

D. Terrestrial Species

As noted in section III, the concrete rip-rap shoreline, which characterizes the terrestrial portion of the project area, supports low species diversity. In fact, only mobile, relatively far reaching, passerine birds have been observed here. These species will be temporarily displaced, but will readily return after construction is complete.

E. Water Quality

As stated in section III, waters of this area of the bay are classified by the NYSDEC as waters that are best suited for the harvest of shellfish and human contact recreation. This project will have little to no impact on the water quality in this area during construction and no impact after construction due to the type of substrate that is involved and the tidal action.

F. Benthic Substrate

The jetting of piles, if required for this project, could potentially stir up the finer graded portions of the bay sediments and cause a temporary turbidity problem. If this situation arises, mitigation, in the form of turbidity screens, may be required. There will be no long term impact on benthic sediments, after construction, due to the use of the proposed pier.

G. Cultural Resources

Since no cultural resources are known to exist in this area, and there will be no excavation or fill, no impacts to cultural resources are expected from any of the alternatives.

H. Noise

Construction of the pier will result in a temporary increase in ambient noise. Since there are no sensitive receptors in the vicinity, no impact will result from this operation.

Use of this pier, after construction, will not produce noise levels above those currently experienced in the active use areas of the park.

I. Recreation and Public Use

Alternative I and II will have a positive impact on the area. The creation of the fishing pier will give more opportunity for increased fishing in the area. This increased fishing opportunity will also allow a more diverse population to reach the better fishing areas (handicapped, senior citizens and children).

The no action alternative would leave the site in its current state. Accessibility to the handicapped, senior citizens, and children would remain limited due to the steepness of the banks along the shoreline.

J. Issues Considered Not Relevant to Project (Air Quality, Floodplains, Environmental Justice, Farmland)

Air Quality- Air quality is not considered to be a significant issue, and no air quality impacts will result from the project.

Environmental Justice- None of the alternatives will have any impact on any socially or economically disadvantaged populations.

Farmland- Since there is no farmland in the area there will be no impact to any farmland.

V. Impairments to Fire Island National Seashore

The National Park Service Organic Act of 1916 and related laws mandate that the units of the national park system must be managed in a way that leaves them “unimpaired for the enjoyment of future generations”. These laws give the NPS the management discretion to allow certain impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not constitute impairment of the affected resources and values. Director’s Order 12 states that environmental documents will evaluate and describe impacts that may constitute an impairment of park resources or values. In addition, the decision document will summarize impacts and whether or not such impacts may constitute an impairment of park resources or values. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park,

key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or

identified as a specific goal in the park’s general management plan or other relevant NPS planning documents.

In addition to reviewing the list of significance criteria, the National Park Service has determined that implementation of the proposal will not constitute an impairment to the critical resources and values of the Park. This conclusion is based on a thorough analysis of the environmental impacts described in this EA and the professional judgment of the decision-maker guided by the direction in *NPS Management Policies 2001*.

In regards to the project discussed in this EA the impacts analysis presented shows that though there would be minor impacts to the site, it would be localized around the pilings during construction. The NPS, in consultation with park biologists, has determined that the project will have no effect on any listed (threatened or endangered) species. The NPS has determined that the proposed project will have a limited local effect on EFH (see Essential Fish Habitat Assessment). Since the project will only impact a localized area, impact on fish species will be minimal. This project will affect marine habitat during the construction phase. However, through the proper use of sediment control devices, if necessary, this will be minimized. Upon completion of the project this area will be suitable for all species currently existing in the area. Finally, potential impacts will be mitigated by observing all seasonal restrictions and conditions set forth by the U.S. Army Corps of Engineers and the NYSDEC permits.

Based on the above conclusions and the impact analysis in Section IV, the proposed action would not result in any impairment of the natural or cultural resources of Fire Island National Seashore, consistent with the NPS Management Policies.

VI. Environmentally Preferred Alternative

The environmentally preferred alternative is determined by applying the criteria suggested in the National Environmental Policy Act of 1969 (NEPA), which is guided by the Council on Environmental Quality (CEQ). The CEQ provides direction that “the environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA’s Section 101” (*Forty Most Asked Questions Concerning Council on Environmental Quality’s National Environmental Policy Act Regulations*, 1981.)

Section 101 of the National Environmental Policy Act states that “... it is the continuing responsibility of the Federal Government to ... (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; (2) assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings; (3) attain the widest range of beneficial uses of the environment without degradations, risk to health or safety, or other undesirable and unintended consequences; (4) preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment which supports diversity and variety of individual choice; (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities; and (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.” The environmentally preferable alternative for this project is based on these national environmental policy goals.

Based on the impacts discussed in Section IV, the environmentally preferred alternative for this project has been identified as Alternative I. Alternative I will avoid

the environmental impacts to eelgrass beds that Alternative II would entail (see Section IV.C.), while at the same time affording the fishing and educational opportunities that the No Action Alternative (Alternative III) fails provide. Alternative I therefore best fulfills the criteria set forth in Section 101 of NEPA.

VII. Consultation and Coordination

A. Federal

1. Corps of Engineers

As noted in section I.C.d an application was submitted for a Nationwide or General Permit on October 29, 2002. In January 7, 2003 GPI received a letter stating that an Environmental Questionnaire, a Special Use Permit from Fire Island National Seashore, and an Essential Fish Habitat Assessment were required. Once these things were received from NPS then the USCOE would then further their permitting process.

2. U.S. Fish and Wildlife Service

Consultation with the U.S. Fish and Wildlife Service (USFWS) regarding impacts to listed species and wildlife is on-going. This EA will be forwarded to USFWS for review and comment.

3. National Marine Fisheries Service

Consultation with the National Marine Fisheries Service (NMFS) regarding Essential Fish Habitat and listed species is on-going. This EA and EFH Assessment will be forwarded to NMFS for review and comment.

B. State

1. NYSDEC

In a letter dated Oct 29, 2002 Greenman-Pedersen, Inc. applied to the New York State Department of Environmental Conservation (NYSDEC) for a Tidal Wetlands Permit, Section 401 Water Quality Certification, Navigable Waters and a Dock, Mooring and Platforms Permit.

After consultation at the site with the NYSDEC it was determined that the proposed pier would be constructed on an eelgrass bed and that a survey of the bed was necessary. In summer of 2002 the survey was completed. Due to survey, the alignment of the pier was changed to the north. This was to avoid the most eelgrass possible.

In a letter dated February 9, 2003 GPI reapplied for permits with the new alignment. DEC Permit# 1-4722-01342-00029 was received April 10, 2003.(Appendix A)

2. NYSDOS

As stated in section I.C.b This project needed to be consistent with 4 state coastal policies. They are as follows:

Policy 7- Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viable habitats.

Policy 12- Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

Policy 19- Protect, maintain and increase the level and types of access to public water related recreation, resources and facilities.

Policy 44- Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

The New York State Department of State (NYDOS) received the Federal Consistency Assessment Form for the construction of the pier in October of 2002. They have determined that this project meets the departments general consistency concurrence criteria. The General Concurrence letter can be found in appendix A.

C. Local

1. Town of Brookhaven

The Town of Brookhaven has been contacted to inquire about ownership of the land occupied by the proposed project. The letter can be located in Appendix A, Correspondence. As of this date the town has not responded to our inquiry.

VIII References

Bokuniewicz, Henry, Robert Cerrano, David Conover, Elizabeth Cospers, Valrie Gerard, Jay Tanski. December 1993. Estuarine Resources of the Fire Island National Seashore and Vicinity, a Final Report. 79 pages plus appendices.

Koppelman and Davies. Strategies and Recommendations for Revitalizing the Hard Clam Fisheries in Suffolk County, New York. Suffolk County Planning Department, 1987.

Grover. The Clam Casino, The Sandpiper, Great South Bay Audubon Society, March/April 2003.

National Oceanographic and Atmospheric Administration/National Marine Fisheries Service. March, 1999. Essential Fish Habitat Designations within the Northeast Region (Maine to Virginia): Working Copy.

U.S. Department of the Interior, National Park Service. 2001 NPS Management Policies.

APPENDIX A

SECTION X – CORRESPONDENCE

GPI Greenman - Pedersen, Inc.

Engineers, Architects, Planners, Construction Engineers & Inspectors

January 2, 2003

Environmental Permits
Carol Farkas
NYSDEC
SUNY @ Stony Brook Building 40
Stony Brook, NY 11790

RE: Smith Point County Park
Appl. # 1-4722-01342/00029
GPI Project No. 2002303

Dear Ms. Farkas:

As per letter dated December 6, 2002, attached is signed agreement for Greenman-Pedersen, Inc. to act on behalf of Suffolk County in obtaining any and all permits for work at Smith Point County Park.

Thank you for your cooperation in this matter.

Sincerely,

GPI / GREENMAN-PEDERSEN, INC.



Keith Holley
Environmental Scientist

cc: File

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COUNTY OF SUFFOLK



ROBERT J. GAFFNEY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

RICHARD J. LAVALLE, P.E.
CHIEF DEPUTY COMMISSIONER

CHARLES J. BARTHA, P.E.
COMMISSIONER

LESLIE A. MITCHEL
DEPUTY COMMISSIONER

December 24, 2002

FAX & MAIL

Greenman-Pedersen, Inc.
325 West Main Street
Babylon, NY 11702

Attention: Bill Zimnski

RE: C.P.# 7162 – Improvements to Smith Point County Park
Permits

Dear Mr. Zimnski:

This confirms our verbal authorization to act on behalf of Suffolk County in obtaining any all permits necessary for master plan work at Smith Point County Park.

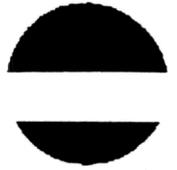
Very truly yours,


Thomas LaGuardia, P.E.
Chief Engineer

TL:vma

cc: Tedd Godek, R.A., County Architect
Steve Astuto, R.A., Architect

New York State Department of Environmental Conservation
Division of Environmental Permits
STONY BROOK REGIONAL OFFICE
SUNY @ STONY BROOK BUILDING 40
STONY BROOK NY 11790
(631) 444-0365



January 21, 2003

Request for Additional Information

RE: DEC ID# 1-4722-01342/00029
SMITH POINT COUNTY PARK

SUFFOLK COUNTY
H LEE DENNISON BLDG
HAUPPAUGE, NY 11788

Dear Applicant:

On 1/17/03 your application was determined to be complete. However, subsequent technical review of your application shows the following information is required to make findings and determinations required by the Environmental Conservation Law:

The New York State Department of Environmental Conservation technical staff has reviewed your proposal to construct a multi-purpose pier on Narrow Bay and I have the following comments:

The Department objects to the project as proposed. The Department recommends that the proposed structure be relocated to the west-northwest to minimize impacts to eel grass beds (see attached plan for location). In addition, be sure to show water depths in revised location of pier. If you have any questions regarding this review, please contact Chris Arfsten at 631-444-0295. Upon receipt of revised plans/cross section which clearly reflect our recommendations, the review process will continue.

Pursuant to 6NYCRR621.15(b) this information must be provided by 2/21/03. Failure to provide this information by the date specified in this request may be grounds for denial of your application.

If you have questions or need more time to provide this information, please contact me at the address above.

Sincerely,

A handwritten signature in black ink, which appears to read "Carroll W. Farkas". The signature is written in a cursive style with a large, prominent initial 'C'.



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

January 7, 2003

REPLY TO
ATTENTION OF

Eastern Permits Section

SUBJECT: Application No. 2002-01423-L6 by Suffolk County Dept. of
Parks, Recreation and Conservation (Smith Point Pier)

Suffolk County Dept. of Parks
Recreation and Conservation
c/o Robert Grover
325 W Main St
Babylon, New York 11702-3432

Dear Mr. Grover

We have received your application for Department of the Army authorization to construct a pier. The site is in Narrow Bay, Moriches Bay at Shirley, Town of Brookhaven, Suffolk County, New York. After a review of the material submitted, we have determined that the proposed project does not meet requirements for authorization under the Nationwide Permit Program. Therefore, an individual permit will be required.

Before processing of your application may proceed, please provide the following:

1. Provide a vicinity map, indicating longitude and latitude of the proposed site.

2. A completed Environmental Questionnaire (copy enclosed).

3. A Special Use Permit issued by the Fire Island National Seashore (FINS), National Park Service, U.S. Department of the Interior may be required for this project. You should contact FINS as soon as possible to determine their requirement. National Park Service, FINS may be contacted at 120 Laurel Street, Patchogue, New York 11772.

4. Project drawings on letter size paper (both plan view and cross-section) that indicate the location of the mean high and mean low water lines.

5. As the project will take place in an area designated as Essential Fish Habitat (EFH), and Habitat Area of Particular Concern (HAPC) an EFH Assessment is required. The requirement for an EFH Assessment is in accordance with 50 CFR Part 660.920 implementing the Magnuson-Stevens Fishery Conservation and Management Act of 1996 (Public Law 104-267). In accordance with 50 CFR Part 660.920 (c), you must prepare an EFH Assessment that addresses concerns related to use of this region by designated

species. The species and lifestages of concern are indicated on the enclosed chart. The assessment must contain 1) a description of the proposed action, 2) an analysis of the effects, including cumulative effects, of the proposed action on EFH, the managed species such as major prey species, including life history stages, and 3) proposed mitigation, if needed. Other information such as the results of on-site inspections to evaluate the habitat, the site specific effects of the project, the views of experts, a literature review and an analysis of project alternatives should be included. I have attached an EFH Assessment Worksheet to aid you in developing the required EFH Assessment.

As soon as you provide the above requested information, we will resume processing of your application. If you have any questions, please contact Ms. Mary Ann Miller of my staff at (212) 264-6730.

Sincerely,


for Marc Helman
Acting Chief,
Eastern Permits Section

Enclosures:

- 1) Environmental Questionnaire
- 2) EFH-designated species
- 3) EFH Assessment Worksheet

New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, Albany, New York 12233-4757
Phone: (518) 402-8935 • FAX: (518) 402-8925
Website: www.dec.state.ny.us



July 7, 2004

Keith Holley
Greenman Pedersen, Inc
325 West Main St
Babylon, NY 11702

Dear Mr. Holley:

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to an Environmental Assessment for the proposed Smith Point County Park Multiuse Pier, Proj. 2002 303, area as indicated on the map you provided, located in the Town of Shirley, Suffolk County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and may not be released to the public without permission from the New York Natural Heritage Program.

This project location is within, or adjacent to, a designated Significant Coastal Fish and Wildlife Habitat. This habitat is part of New York State's Coastal Management Program (CMP), which is administered by the NYS Department of State (DOS). Projects which may impact the habitat are reviewed by DOS for consistency with the CMP. For more information regarding this designated habitat and applicable consistency review requirements, please contact:

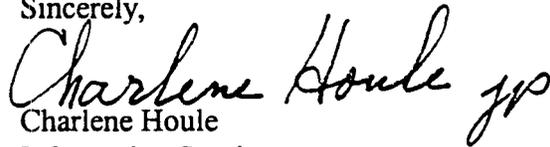
Jeff Zappieri or Vance Barr - (518) 474-6000
NYS Department of State
Division of Coastal Resources and Waterfront Revitalization
41 State Street, Albany, NY 12231

The presence of rare species may result in your project requiring additional permits, permit conditions, or review. For further guidance, and 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, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should NOT be substituted for on-site surveys that may be required for environmental impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

A handwritten signature in black ink that reads "Charlene Houle" followed by a stylized monogram "JH".

Charlene Houle
Information Services
NY Natural Heritage Program

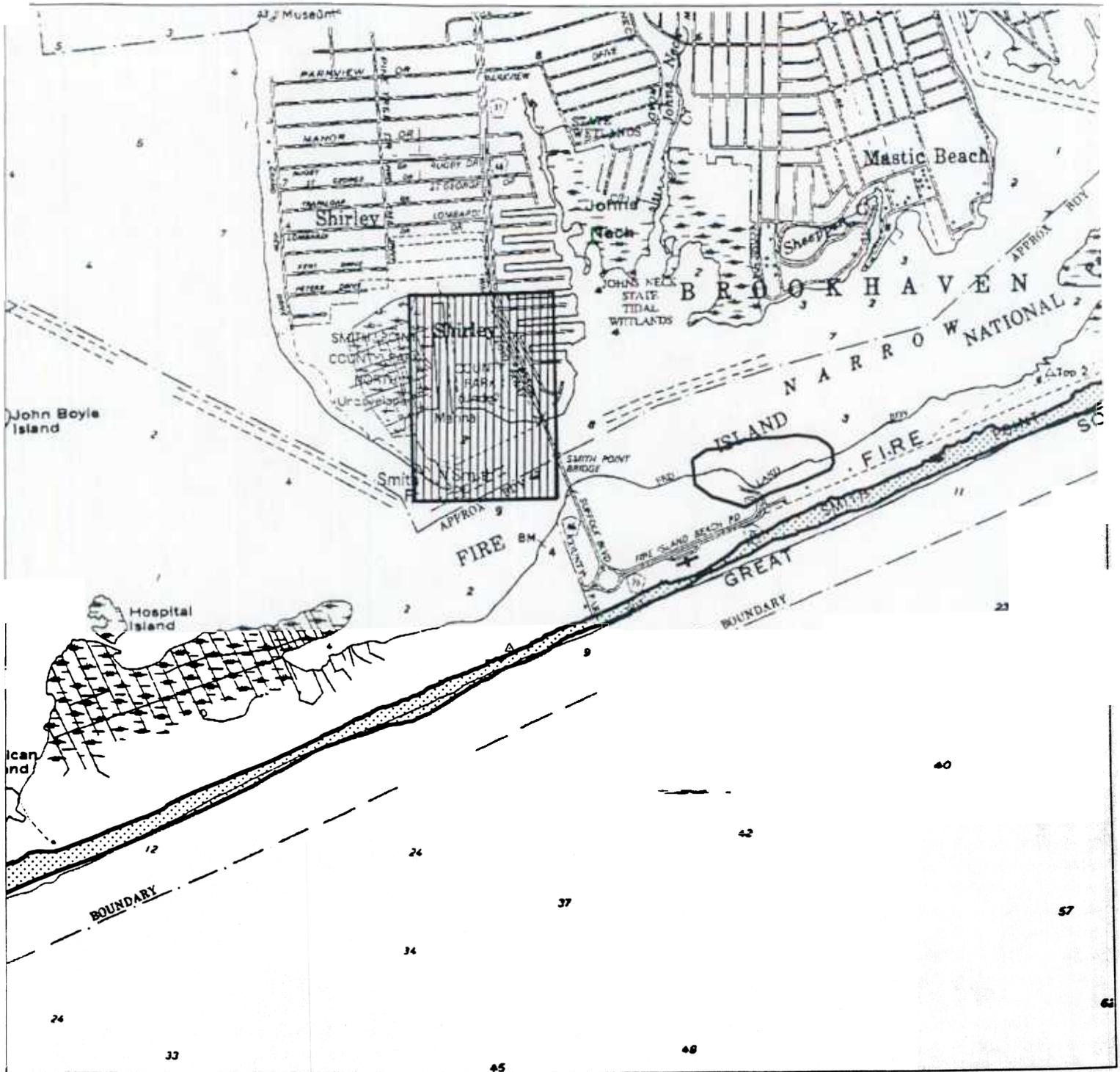
Encs.

cc: Reg. 1, Wildlife Mgr.
Reg. 1, Fisheries Mgr.
Peter Nye, Endangered Species Unit, Albany

Natural Heritage Map of Rare Species and Ecological Communities



Prepared July 1, 2004 by the NY Natural Heritage Program, NYS DEC, Albany, NY



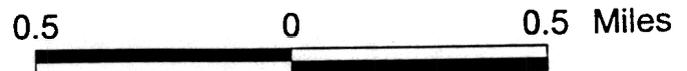
Map Overview

 Project boundary
New York Natural Heritage Program Database Records

-  Animal
-  Community
-  Animal Concentration Area
-  Plant



Scale: 1:24,000



*The locations that are displayed are considered sensitive and cannot be released to the public without permission. We do not provide map locations for all records. Please see report for details.

Natural Heritage Report on Rare Species and Ecological Communities



Prepared 1 July 2004 by NY Natural Heritage Program, NYS DEC, Albany, New York

This report contains SENSITIVE information that should be treated in a sensitive manner -- Please see cover letter. Refer to the Users' Guide for explanations of codes, ranks, and fields. We do not always provide maps of locations of species most vulnerable to disturbance, nor of some records whose locations and/or extents are not precisely known or are too large to display.

* County						Page
** Town	Scientific Name, COMMON NAME, & Group Name	NY Legal Status, Heritage Ranks, & Federal Status	EO Rank & Last Seen	Detailed Location	General Habitat and Quality	Office Use
* NY STATE WATERS, SUFFOLK						
** BABYLON, NY STATE WATERS, BROOKHAVEN, ISLIP						
MARITIME BEACH Community	UNPROTECTED G5 S5	AB 2001-09-28	FIRE ISLAND The beach along the south shore of Fire Island from Democrat Point east to Moriches Inlet. Access to Fire Island is via Robert Moses Causeway or William Floyd Parkway or by ferry.	A large sandy maritime beach along the south shore of a barrier island. The maritime beach extends 32 miles along the south shore of Fire Island from Democrat Point east to Moriches Inlet. The maritime beach grades into marine intertidal gravel/sand beach seaward. A 32 mile long maritime beach along the south shore of Fire Island, 7 miles of which is designated as Federal Wilderness Area where driving is not allowed for most of the year. Natural processes are affected by stabilization and nourishment in some areas.	4007363	
* SUFFOLK						
** BROOKHAVEN						
<i>Sterna antillarum</i> LEAST TERN Bird	THREATENED G4 S3B (PS:LE)		SMITH POINT SHIRLEY Shirley (Smith Point) from the junction of Route 27 and William Floyd Parkway, follow parkway 5 mi south to John O'Hara drive, west on John O'Hara drive to dirt entrance road to marina. Colony between the road and parkway. The birds nest on the berm.	For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager or NYS DEC Endangered Species Unit at 518-402-8859.	4007267 S ESU	

Significant Habitats

DATE 1/2004

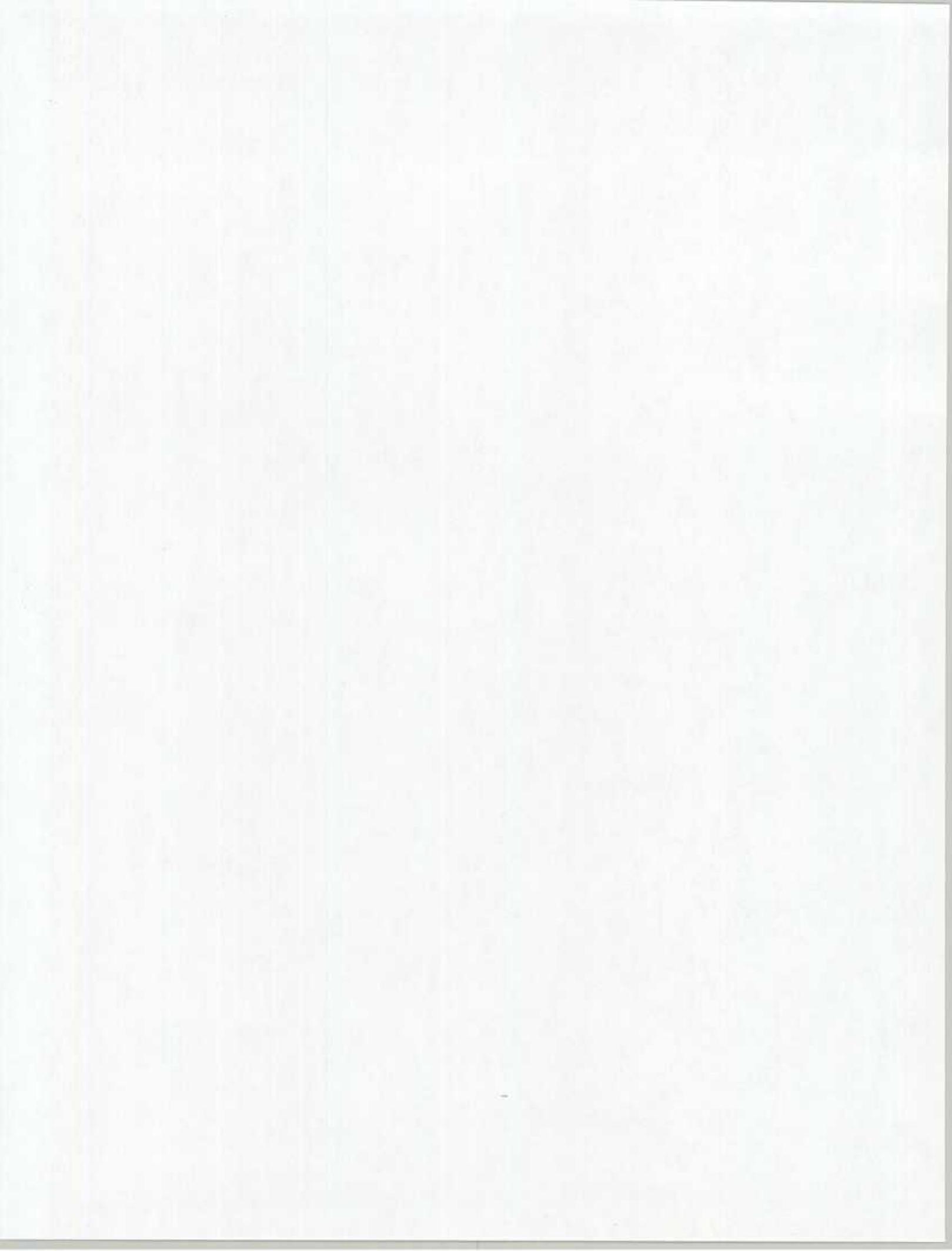
REPORT

NAME OF AREA	TYPE OF AREA	COUNT	TOWN OR CITY	QUADRANGLE
South Bay	Protected Coastal Bay	Suffolk	Brookhaven	Point
52-502 Moriches Bay	Protected Coastal Bay		Brookhaven	Pattersonsquash

DIVISION OF ENVIRONMENTAL PERMITS

June 2001

REGION	COUNTIES	REGIONAL PERMIT ADMINISTRATORS
1	Nassau & Suffolk Telephone: (631) 444-0365	John Pavacic NYS-DEC BLDG 40 SUNY at Stony Brook Stony Brook, NY 11790-2356
2	New York City (Boroughs of Manhattan, Brooklyn, Bronx, Queens, & Staten Island) Telephone: (718) 482-4997	John Cryan NYS-DEC One Hunters Point Plaza 47-40 21st Street Long Island City, NY 11101-5407
3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster & Westchester Telephone: (845) 256-3054	Margaret Duke (Peg) NYS-DEC 21 South Putt Corners Road New Paltz, NY 12561-1696
4	Albany, Columbia, Greene, Montgomery, Rensselaer & Schenectady Telephone: (518) 357-2069	William Clarke NYS-DEC 1150 North Wescott Road Schenectady, NY 12306-2014
4 (sub-office)	Delaware, Otsego & Schoharie Telephone: (607) 652-7741	John Feltman NYS-DEC Route 10 HCR#1, Box 3A Stamford, NY 12167-9503
5	Clinton, Essex, Franklin & Hamilton Telephone: (518) 897-1234	Richard Wild NYS-DEC Route 86, PO Box 296 Ray Brook, NY 12977-0296
5 (sub-office)	Fulton, Saratoga, Warren & Washington Telephone: (518) 623-1281	Thomas Hall* NYS-DEC County Route 40 PO Box 220 Warrensburg, NY 12885-0220
6	Jefferson, Lewis & St. Lawrence Telephone: (315) 785-2245	Brian Fenlon NYS-DEC State Office Building 317 Washington Street Watertown, NY 13601-3787
6 (sub-office)	Herkimer & Oneida Telephone: (315) 793-2555	J. Joseph Homburger* NYS-DEC State Office Building 207 Genesee Street Utica, NY 13501-2885



USERS GUIDE TO NY NATURAL HERITAGE DATA

New York Natural Heritage Program, 625 Broadway, Albany, NY, 12233-4757 (518) 402-8935

NATURAL HERITAGE PROGRAM: The Natural Heritage Program is an ongoing, systematic, scientific inventory whose goal is to compile and maintain data on the rare plants and animals native to New York State, and significant ecological communities. The data provided in the report facilitate sound planning, conservation, and natural resource management and help to conserve the plants, animals and ecological communities that represent New York's natural heritage.

DATA SENSITIVITY: The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should not be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

NATURAL HERITAGE REPORTS (may contain any of the following types of data):

COUNTY NAME: County where the occurrence of a rare species or significant ecological community is located.

TOWN NAME: Town where the occurrence of a rare species or significant ecological community is located.

USGS 7 1/2 TOPOGRAPHIC MAP: Name of 7.5 minute US Geological Survey (USGS) quadrangle map (scale 1:24,000).

SIZE (acres): Approximate acres occupied by the rare species or significant ecological community at this location. A blank indicates unknown size.

SCIENTIFIC NAME: Scientific name of the occurrence of a rare species or significant ecological community.

COMMON NAME: Common name of the occurrence of a rare species or significant ecological community.

ELEMENT TYPE: Type of element (i.e. plant, animal, significant ecological community, other, etc.)

LAST SEEN: Year rare species or significant ecological community last observed extant at this location.

EO RANK: Comparative evaluation summarizing the quality, condition, viability and defensibility of this occurrence. Use with LAST SEEN.

A-E = Extant: A=excellent, B=good, C=fair, D=poor, E=extant but with insufficient data to assign a rank of A - D.

F = Failed to find. Did not locate species, but habitat is still there and further field work is justified.

H = Historical. Historical occurrence without any recent field information.

X = Extirpated. Field/other data indicates element/habitat is destroyed and the element no longer exists at this location.

? = Unknown.

Blank = Not assigned.

NEW YORK STATE STATUS (animals): Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

E = Endangered Species: any species which meet one of the following criteria:

1) Any native species in imminent danger of extirpation or extinction in New York.

2) Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.

T = Threatened Species: any species which meet one of the following criteria:

1) Any native species likely to become an endangered species within the foreseeable future in NY.

2) Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11.

SC = Special Concern Species: those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York. Unlike the first two categories, species of special concern receive no additional legal protection under Environmental Conservation Law section 11-0535 (Endangered and Threatened Species).

P = Protected Wildlife (defined in Environmental Conservation Law section 11-0103): wild game, protected wild birds, and endangered species of wildlife.

U = Unprotected (defined in Environmental Conservation Law section 11-0103): the species may be taken at any time without limit; however a license to take may be required.

G = Game (defined in Environmental Conservation Law section 11-0103): any of a variety of big game or small game species as stated in the Environmental Conservation Law; many normally have an open season for at least part of the year, and are protected at other times.

NEW YORK STATE STATUS (plants): The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9-1503.

E = Endangered Species: listed species are those with:

1) 5 or fewer extant sites, or

2) fewer than 1,000 individuals, or

3) restricted to fewer than 4 U.S.G.S. 7 1/2 minute topographical maps, or

4) species listed as endangered by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

T = Threatened: listed species are those with:

1) 6 to fewer than 20 extant sites, or

2) 1,000 to fewer than 3,000 individuals, or

3) restricted to not less than 4 or more than 7 U.S.G.S. 7 and 1/2 minute topographical maps, or

4) listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

R = Rare: listed species have:

1) 20 to 35 extant sites, or

2) 3,000 to 5,000 individuals statewide.

V = Exploitably vulnerable: listed species are likely to become threatened in the near future throughout all or a significant portion of their range within the state if causal factors continue unchecked.

= Unprotected; no state status.

continued on next page

APPENDIX A- PERMITS AND MAP

DEC PERMIT NUMBER
1-4722-01342/00029

FACILITY/PROGRAM NUMBER(S)



Under the Environmental
Conservation Law

EFFECTIVE DATE
April 10, 2003

EXPIRATION DATE(S)

April 10, 2013

TYPE OF PERMIT New Renewal Modification Permit to Construct Permit to Operate

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Article 15, Title 5: Protection of Waters | <input type="checkbox"/> Article 17, Titles 7, 8: SPDES | <input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Supply | <input type="checkbox"/> Article 19: Air Pollution Control | <input type="checkbox"/> Article 34: Coastal Erosion Management |
| <input type="checkbox"/> Article 15, Title 15: Water Transport | <input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation | <input type="checkbox"/> Article 36: Floodplain Management |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells | <input type="checkbox"/> Article 24: Freshwater Wetlands | <input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control |
| <input type="checkbox"/> Article 15, Title 27: Wild, Scenic and Recreational Rivers | <input checked="" type="checkbox"/> Article 25: Tidal Wetlands | |
| <input checked="" type="checkbox"/> 6NYCRR 608: Water Quality Certification | <input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management | |

PERMIT ISSUED TO		TELEPHONE NUMBER	
Suffolk County Department of Parks, Recreation and Conservation		(631) 854-4949	
ADDRESS OF PERMITTEE			
Montauk Highway, West Sayville, NY 11796			
CONTACT PERSON FOR PERMITTED WORK		TELEPHONE NUMBER	
Greenman & Pedersen Inc., 325 West Main Street, Babylon, NY 11702		(631) 587-5060	
NAME AND ADDRESS OF PROJECT/FACILITY			
Smith Point County Park, Shirley			
COUNTY	TOWN	WATERCOURSE	NYTM COORDINATES
Suffolk	Brookhaven	Narrow Bay	
DESCRIPTION OF AUTHORIZED ACTIVITY:			
Construct 143' x 12' pier. All work must be done in accordance with the attached plan prepared by Greenman & Pedersen Inc. on 4/13/02 and stamped NYSDEC approved on 4/10/03.			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2 & 3) and any Special Conditions included as part of this permit.

PERMIT ADMINISTRATOR:	ADDRESS		
Roger Evans (CAF)	Region 1 Headquarters, Bldg. #40, SUNY, Stony Brook, NY 11790-2356		
AUTHORIZED SIGNATURE	DATE	Page 1 of 4	
	April 10, 2003		

SPECIAL CONDITIONS

1. 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 tidal wetlands and or protected buffer areas.
2. The storage of construction equipment and materials shall be confined to existing parking area.
3. The use of wood treated with pentachlorophenol in the construction of structures that will be in contact with tidal waters is strictly prohibited.
4. 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.
5. No permanent structures may be installed on dock/catwalk/float without first obtaining written Department approval (permit, modification, or amendment).
6. The storage, docking or other uses of this pier by boats is strictly prohibited

DEC PERMIT NUMBER

1-4722-01342/00029

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ADDITIONAL GENERAL CONDITIONS FOR ARTICLES 15 (TITLE 5), 24, 25, 34 AND 6NYCRR PART 608

(TIDAL WETLANDS)

1. 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.
2. 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.
3. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services or local government which may be required.
4. 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.
5. Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
6. There shall be no unreasonable interference with navigation by the work herein authorized
7. 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.
8. If granted under 6NYCRR Part 608, 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.
9. 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 and, if required, a survey.
10. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application.

Such approved plans were prepared by Greenman & Pedersen Inc. 9/13/02.

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1-4722-01342/00029

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NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee 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.

GENERAL CONDITIONS

General Condition 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.

General Condition 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.

General Condition 3: Applications for Permit Renewals or Modifications

The permittee must submit a separate written application to the Department for 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.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 1, SUNY Bldg #40, Stony Brook NY 11790-2356

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. 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.

DEC PERMIT NUMBER

1-4722-01342/00029

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STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

March 11, 2003

RANDY A. DANIELS
SECRETARY OF STATE

Keith Holley
GPI - Engineers/Architects/Planners
325 West Main Street
Babylon, NY 11702

Re: F-2002-1033
U.S. Army Corps of Engineers/New York District Permit
Application -Suffolk County Parks-Smith Point Park-Construct
142' X 12' Multiuse Pier
Narrow Bay, Town of Brookhaven, Suffolk County

General Concurrence

Dear Mr. Holley:

The Department of State received your Federal Consistency Assessment Form and consistency certification and supporting information for this proposal on October 31, 2002.

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 is not required, nor is the Department's concurrence with an individual consistency certification for it.

When communicating with us regarding this matter, please contact William Feldhusen at (518) 474-4516 and refer to our file # F-2002-1033.

Sincerely,

Vance A. Barr
Coastal Resource Specialist
Consistency Review Unit

sm

c: COE/New York District -Marc Helman
NYSDEC/Region 1- John Pavacic



Photo #3 - West side of site looking East

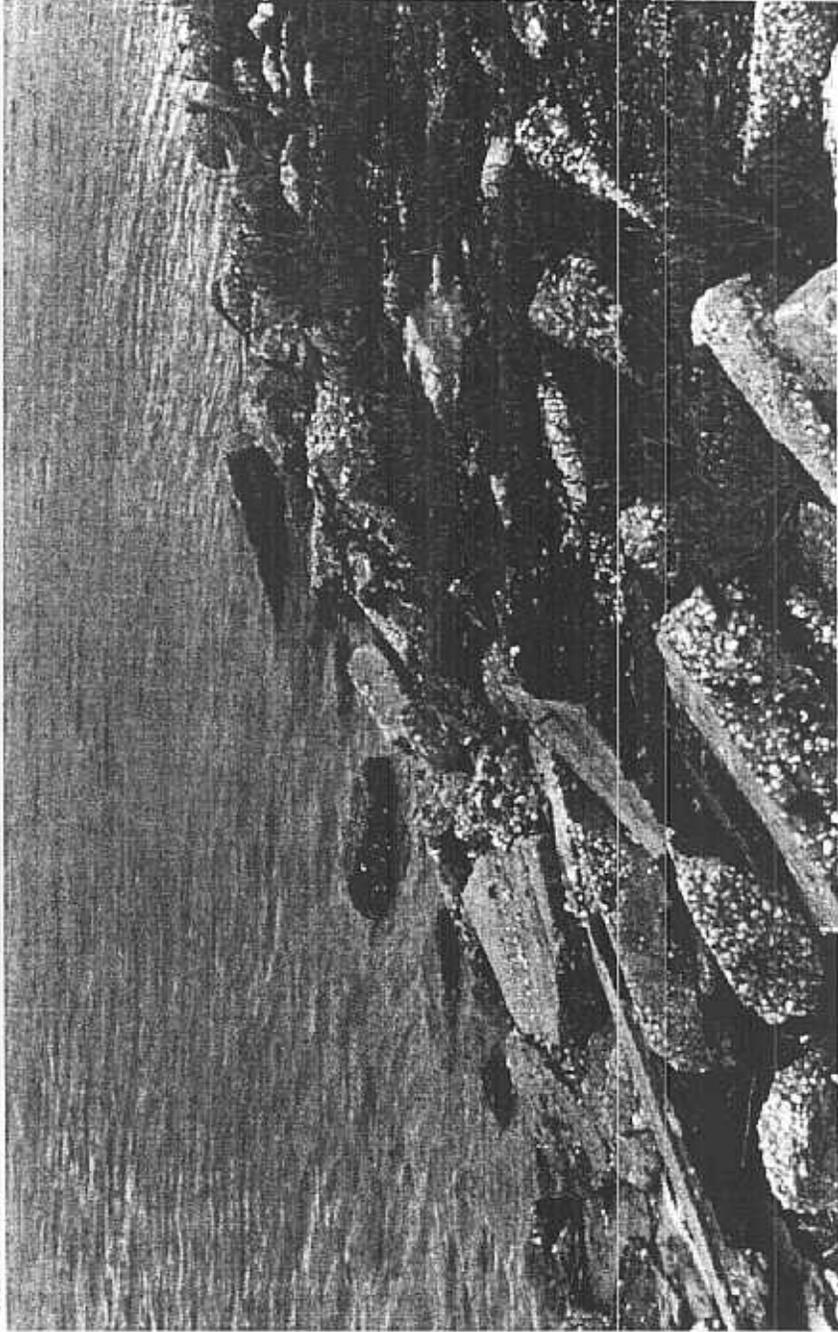


Photo #1 - Area of construction looking down from parking area.

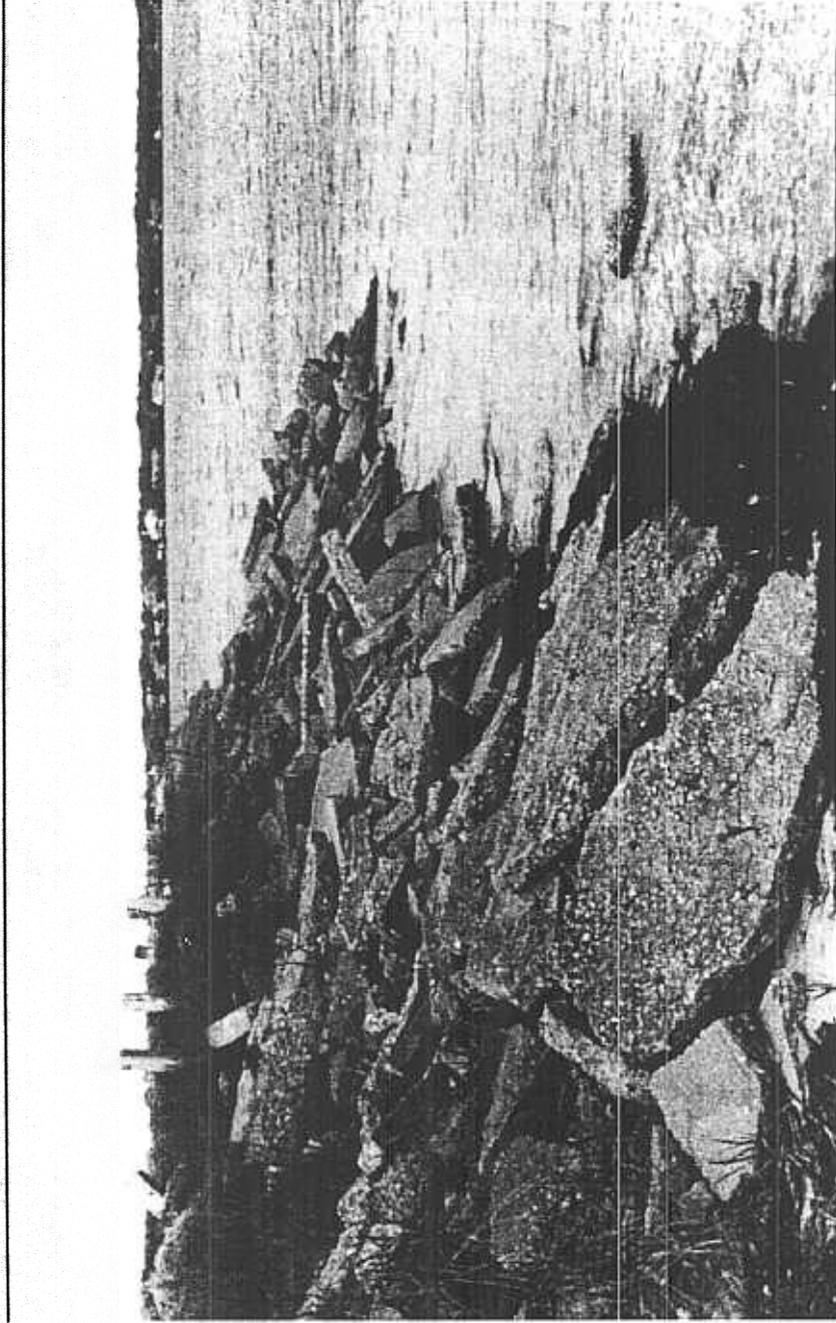
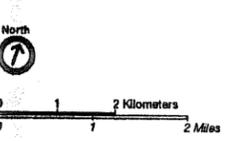
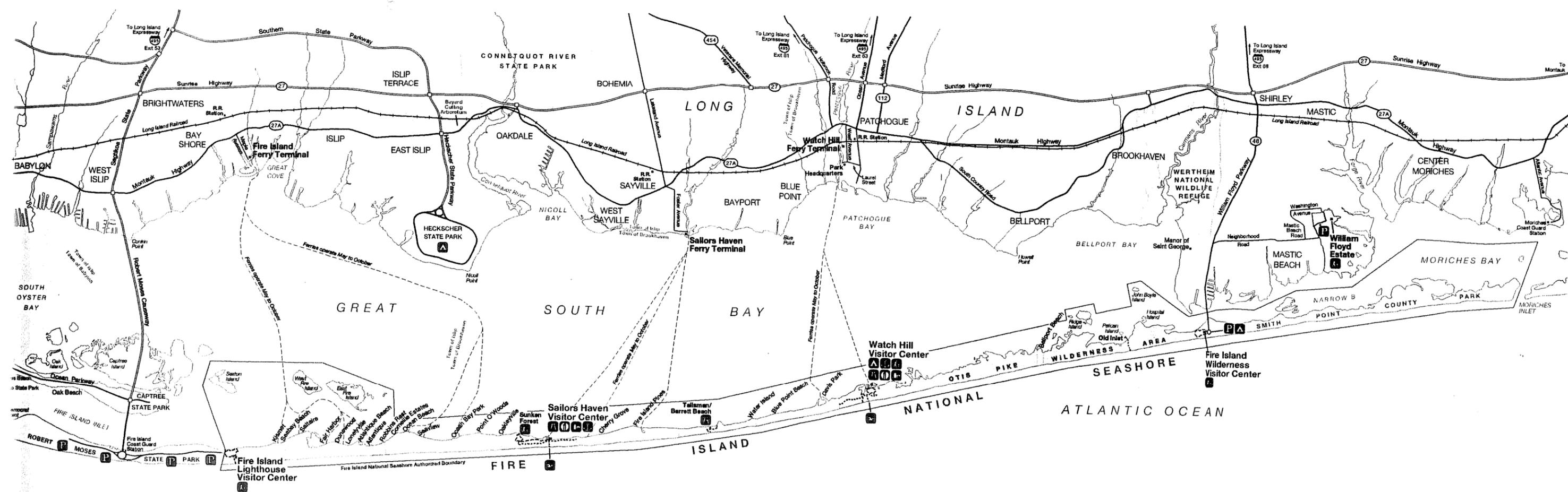
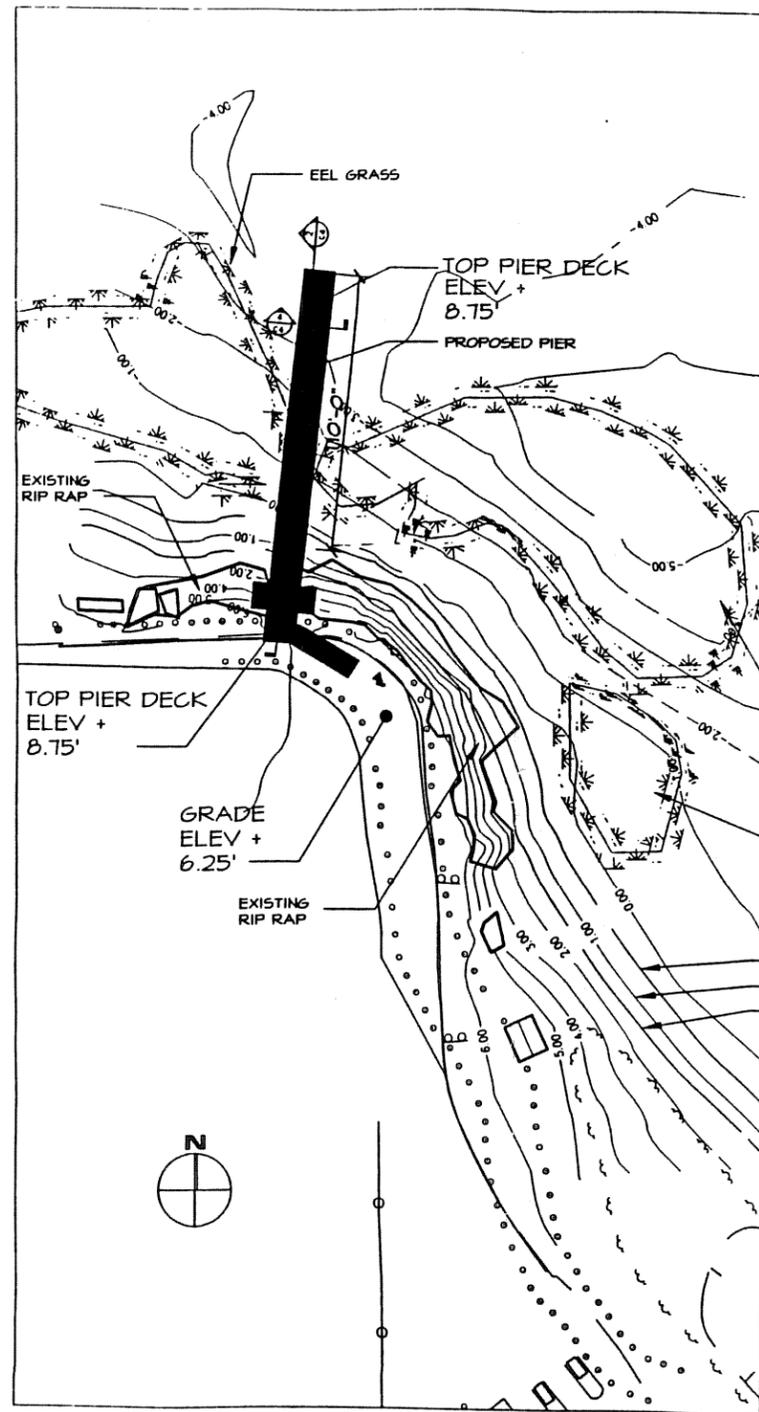


Photo #2 - East side of site looking North

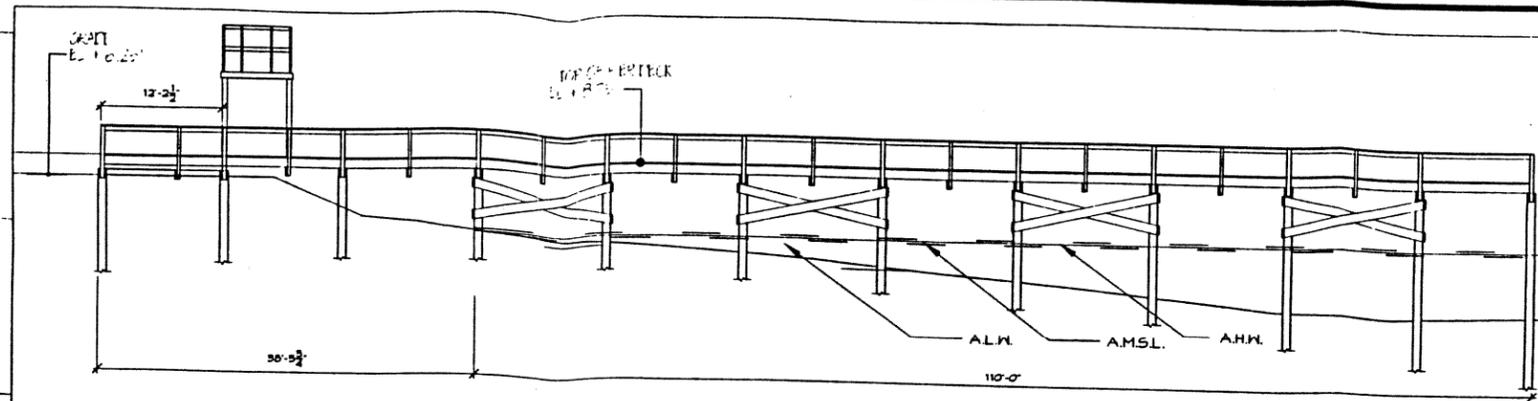


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|--|--|---------------------------|--|--|
| | | Aids to Navigation | | |
| | | Regulatory Markers | | |
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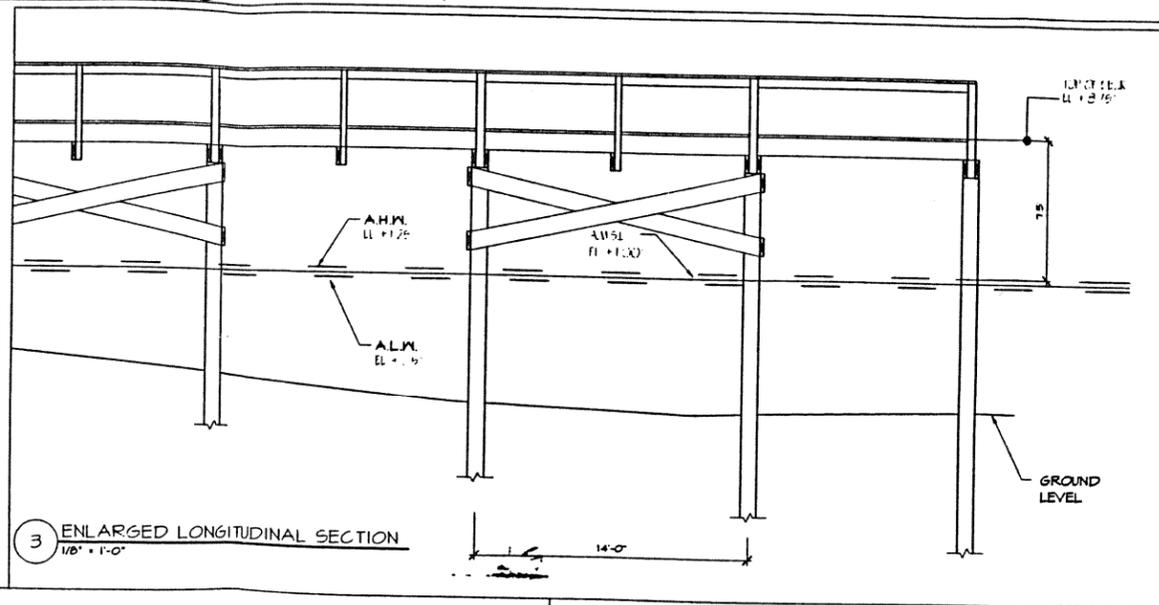
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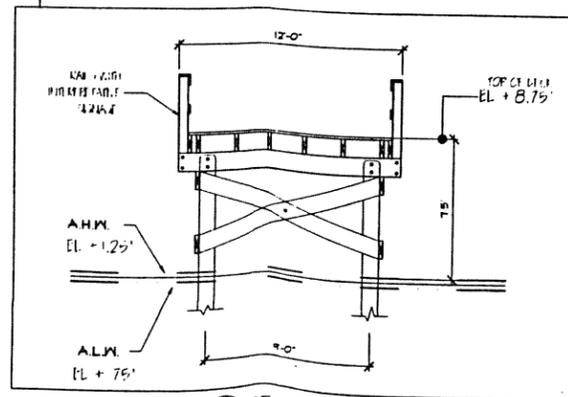
1 SITE PLAN
1" = 60'-0"



2 LONGITUDINAL SECTION
1/8" = 1'-0"



3 ENLARGED LONGITUDINAL SECTION
1/8" = 1'-0"



4 CROSS SECTION
1/8" = 1'-0"

TOPOGRAPHIC INFORMATION TAKEN IN NGVD 29 DATUM

NOTE:
CONTOURS ARE IN FEET BASED UPON US DATUM
A.M.S.L. - APPARENT MEAN SEA LEVEL
A.H.W. - APPARENT HIGH WATER
A.L.W. - APPARENT LOW WATER

Suffolk County Department
of Parks, Recreation & Conservation
Smith Point County Park
Fire Island, Shirley

GPI
Greenman-Pedersen, Inc.
Engineers, Architects, Planners
Construction Engineers & Inspectors
325 West Main Street, Babylon, NY 11702
Tel: (631) 587-5000 Fax: (631) 422-3478

Consultants:

 CAMERON ENGINEERING
& ASSOCIATES, LLP
Three Aerial Way, Suite 100
Syosset, New York 11791-5508

4	1/26/01	PER DEC COMMENTS
3	11/14/02	PER DEC COMMENTS
2	8/14/02	PER DEC MEETING
1	7/29/02	DESIGN DEVELOPMENT
No.	Date	Description
Issued/Revised		
Drawing Title		

MULTI USE PIER
EELGRASS - SURVEY - DEC

Scale: AS NOTED - PRESENTED HALF SCALE
Date: SEPTEMBER 13, 2002
Project No: 2002303
Drawing No:

C-6