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

Erin M. Crotty Commissioner

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 <u>sensitive</u> 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,

Marlene Houle jp

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



Scale: 1:24,000 0.5 0.5 Miles



Community

Animal Concentration Area

Plant

*The locations that are displayed are considered sensitve 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 Ra Species and Ecological Communities



Page 1

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 Town Scientifc 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 (2000) and (2000) and (2000) are shorted as 7 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 stablization and nourishment in some ar 2000.	4007363
*	SUFFOLK BROOKHAVEN					
	Sterna antillarum 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 benn	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

2 Records Processed

Significant Habitats

DATE 7/1/2004

REPORT ID#	NAME OF AREA	TYPE OF AREA	COUNTY	TOWN OR CITY	QUADRANGLE
SW 52-501	Great South Bay	Protected Coastal Bay	Suffolk	Brookhaven	Howells Point
SW 52-502	Moriches Bay	Protected Coastal Bay	Suffolk ·	Brookhaven	Pattersquash Island

DIVISION OF ENVIRONMENTAL PERMITS

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

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 ½ 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 ½ 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.

COUNTY OF SUFFOLK



STEVE LEVY SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PARKS, RECREATION AND CONSERVATION

RONALD F. FOLEY COMMISSIONER

TRACEY BELLONE DEPUTY COMMISSIONER

SEQRA NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Lead Agency: Suffolk County

Capital Project # 7162

Address:

Suffolk County Parks

P.O. Box 144

West Sayville, NY 11796

Date: September 7, 2006

This notice is issued pursuant to Title 6 NYCRR Part 617 and Suffolk County Local Law # 22-1985 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The County of Suffolk, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Title of Action: Smith Point County Park Beach Nourishment Project, Shirley, Town of

Brookhaven (NYSDEC Permit # 1-4722-0134/00034).

SEQR Status: Type I

Unlisted

Conditional Negative Declaration:

Yes

X No

Description of Action:

The project involves:

1. Place ~ 150,000 CY along ~4,000 LF ("West Nourishment Area")

2. Place ~75,000 CY along ~ 2,500 LF and construct dune by scraping ~15,000 CY along ~ 2,500 LF ("Central Nourishment Area")



3. Place either ~75,000 CY along ~ 2,500 LF and construct dune by scraping ~ 15.000 CY along ~ 2,500 LF ("East Nourishment Area, Alternative A & C") or, place ~125,000 CY along ~ 4,000 LF and construct dune by scraping ~ 15,000 CY along ~2,500 LF ("East Nourishment Area, Alternate B")

Location: Smith Point County Park, Town of Brookhaven

Reasons Supporting This Determination:

1. The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment;

 The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code;

3. The project's purpose is to protect and repair the primary dune and unique habitat of the barrier beach.

For Further Information:

Contact Person:

Ronald F. Foley, Commissioner

Address:

P.O. Box 144

West Sayville, NY 11796

Telephone Number:

(631) 854-4949

COUNTY OF SUFFOLK



STEVE LEVY SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PARKS, RECREATION AND CONSERVATION

RONALD F. FOLEY COMMISSIONER

TRACEY BELLONE
DEPUTY COMMISSIONER

August 14, 2006

Steve Papa Senior Biologist U.S. Fish & Wildlife Service Long Island Field Office 500 St. Mark's Lane Islip, NY 11751 AUG 1'8 2006

DEPT OF PUBLIC WORKS
CHIEF ENGINEER OFFICE
DOCUMENT NO

Dear Steve;

I have received your email requesting the status of piping plover nesting activities in Smith Point County Park. In response to this request I have enclosed maps containing the current data for 2006. If you have any questions regarding this data, need additional information, or wish to visit the site, please contact my office at (631) 854-0971.

Sincerely,

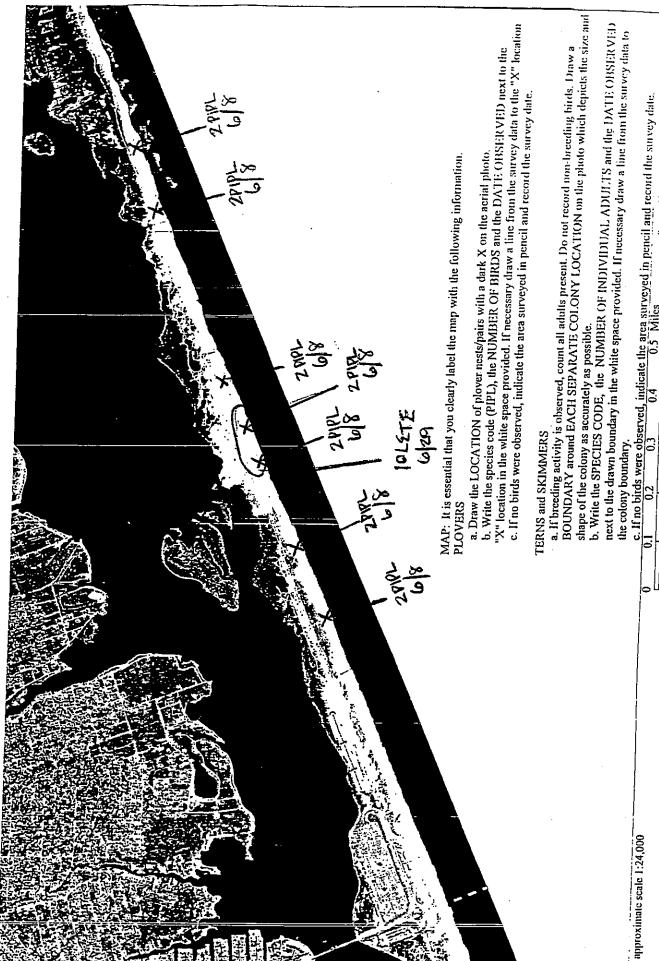
Nicholas Gibbons

Senior Environmental Analyst

cc: Ronald Foley, Commissioner
William Sickles, Senior Parks Superintendent
Thomas Rogers, DPW

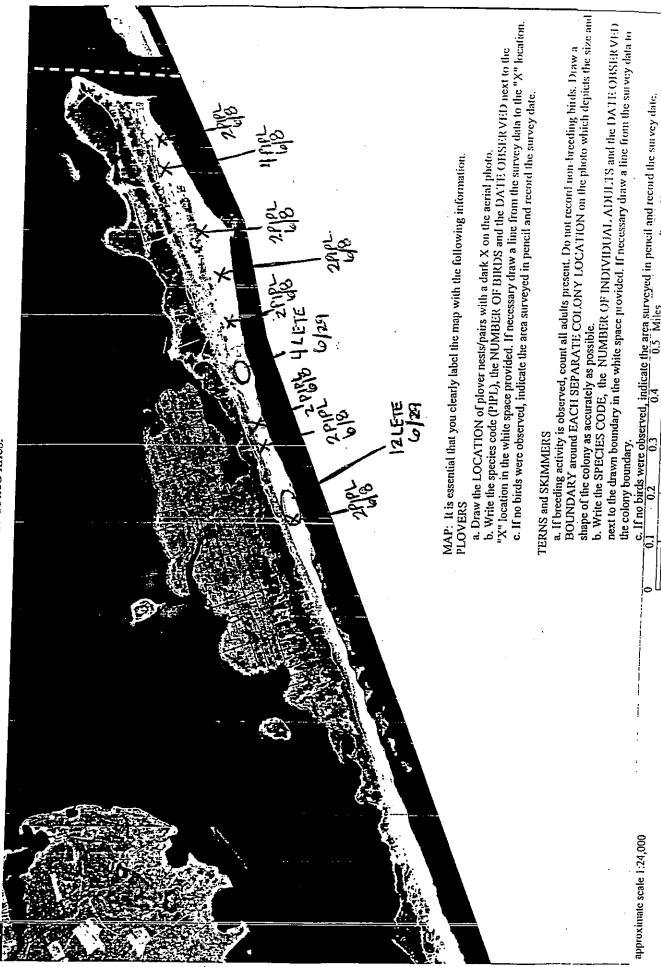
Surveysite Boundary - survey all available habitat between the dotted lines.

Pattersquash Island quad - 4007267, Moriches quad - 4007277



Prepared by New York Natural Dentage Program 2002

Pattersquash Island quad - 4007267, Moriches quad - 4007277



Prepared by New York Batmal Hemans Program 2002

0.5 Miles

New York State Department of Environmental Conservation Division of Environmental Permits, Region One

Building 40 - SUNY, Stony Brook, New York 11790-2356 Phone: (631) 444-0365 FAX: (631) 444-0360



LEAD AGENCY COORDINATION RESPONSE

Commissioner Ronald Foley Suffolk County Department of Parks PO Box 144 West Sayville, NY 11796-0144

August 8, 2006

Re:

Smith Point County Park Beach Nourishment

Application #1-4722-01342/00034

Dear Commissioner Foley:

This letter responds to your communication of July 31, 2006, regarding lead agency designation for the above project pursuant to the State Environmental Quality Review Act (SEQRA) of the Environmental Conservation Law and its implementing regulations (6NYCRR Part 617). The Department has the following interest in this project:

This New York State Department of Environmental Conservation has no objection to your agency assuming lead agency status for this action.

SEORA Classification:

[X] Type I [] Unlisted

DEC Permits (if any):

Tidal Wetlands (Article 25) & Protection of Waters (Article 15, Title 5)

DEC Contact Person:

Mark Carrara, Deputy Permit Administrator

Please feel free to contact our office at (631) 444-0365 for further information or discussion.

Sincerely,

Mark Carrara

Deputy Permit Administrator

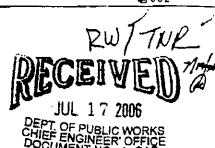
cc:

Greenman-Pederson, Inc. Fire Island National Seashore Army Corps of Engineers file



STATE OF NEW YORK DEPARTMENT OF STATE 41 STATE STREET

ALBANY, NY 12231-0001



GEORGE É. PATAKI

CHRISTOPHER L. JACOBS SECRETARY OF STATE

Mr. William Hillman, P.E. Chief Engineer Suffolk County Dept. of Public Works 335 Yaphank Avenue Yaphank, New York 11980 July 11, 2006

Re: F-2006 - 0599 (formerly F-2005-1005)

U.S. Army Corps of Engineers/New York District Permit Application; Suffolk County DPW - Smith Point County Park Beach Nourishment; Atlantic Ocean; Town of Brookhaven, Suffolk County

General Concurrence

Dear Mr. Hillman:

The Department of State received your Federal Consistency Assessment Form and consistency certification and supporting information for this proposal on June 22, 2006.

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

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

When communicating with us regarding this matter, please contact us at (518) 474-6000 and refer to our file #F-2006-0599.

Steven C. Resier

Deputy Bureau Chief, Resources Management Bureau Section Chief, Consistency Review, Analysis, GIS, and Special Projects New York Coastal Management Program

SCR/sm

c: COE/New York District - Michael Vissichelli NYSDEC Region 1 - Mark Carrera



UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE

NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

APR 74 2008

Keith Holley Greenman-Pederson Inc. 325 West Main Street Babylon, New York 11702

Re: Smith Point County Park/Cutchogue County Park

Dear Mr. Holley,

This is in response to your letter dated March 19, 2008 regarding the Suffolk County Department of Public Works' (DPW) proposed dredging of Moriches Inlet and subsequent nourishment of the Smith Point County Park and Cutchogue County Park beaches with the dredged sand. Greenman-Pederson is developing an Environmental Assessment for the proposed project. Your letter requested information on the types of reports or studies that NOAA's National Marine Fisheries Service (NMFS) will be requiring for this project.

The Protected Resources Division (PRD) of NMFS is responsible for overseeing programs related to species listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, as amended. Four species of federally threatened or endangered sea turtles under the jurisdiction of NMFS may be found seasonally in New York waters. Sea turtles are known to occur in Great South Bay and waters off Long Island where the proposed projects are located. Sea turtles occur in Long Island waters, including many bays and harbors, during the warmer months, typically from May 1 to November 30. The sea turtles in the waters of Long Island are typically small juveniles with the most abundant being the federally threatened loggerhead (Caretta caretta) followed by the federally endangered Kemp's ridley (Lepidochelys kempi). New York waters have also been found to be warm enough to support federally endangered green sea turtles (Chelonia mydas) from June through October. While federally endangered leatherback sea turtles (Dermochelys coriacea) may be found in the waters off Long Island during the warmer months as well, this species is less likely to occur in the action area for this project as it is typically found in more offshore waters. Listed whales, including endangered North Atlantic right (Eubalaena glacialis), humpback (Megaptera novaeangliae) and fin (Balaenoptera physalus) whales also occur seasonally off the southern coast of Long Island, although these species are unlikely to occur in Moriches Inlet.

Dredging activities can affect sea turtles through direct injury or mortality, displacing the species from the area or by altering habitat and destroying forage items. Sea turtles are vulnerable to



entrainment in hydraulic hopper dredges and to avoid interactions with sea turtles NMFS recommends that use of this type of dredge be restricted to the December 1 – April 30 time period when possible.

As you may know, any discretionary federal action, such as the permitting, approval or funding of a project by a Federal agency, that may affect a listed species must undergo consultation pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended. If the proposed project has the potential to affect listed species and it is being approved, permitted or funded by a Federal agency, the lead Federal agency, or their designated non-Federal representative, is responsible for determining whether the proposed action is likely to affect this species. The Federal agency would submit their determination along with justification for their determination and a request for concurrence, to the attention of the Endangered Species Coordinator, NMFS Northeast Regional Office, Protected Resources Division, One Blackburn Drive, Gloucester, MA 01930. After reviewing this information, NMFS would then be able to conduct a consultation under section 7 of the ESA.

NMFS encourages the Suffolk County DPW and their consultants to work with the Army Corps of Engineers (ACOE) to ensure that effects to listed species are adequately covered in any NEPA documentation. This will facilitate a timely review of the proposed project when it is submitted for Section 7 consultation. Additionally, please ensure that coordination with NMFS Habitat Conservation Division on effects of the proposed project on designated Essential Fish Habitat (EFH) is completed. Questions regarding EFH in New York waters should be directed to Diane Rusanowsky at (203)882-6571. Should you have any questions about these comments or about the section 7 consultation process in general, please contact Julie Crocker at (978)281-9300 ext. 6530 or by e-mail (Julie Crocker@noaa.gov).

Sincerely,

Mary A. Colligan

Assistant Regional Administrator

for Protected Resources

Cc: Rusanowsky – F/NER4

3

File Code: Sec 7 ACE NY Suffolk County DPW dredging PCTS: T/NER/2008/02109