



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

REGULATORY BRANCH

SUBJECT: Department of the Army Permit Application File Number NAN-2021-00204-EMI by Suffolk County Department of Public Works for Terrys Creek Tidal Wetland Restoration in the Town of Riverhead, Suffolk County, New York

1. PERMITTEE:

Suffolk County Department of Public Works
Attn: Tom Iwanejko
335 Yaphank Avenue
Yaphank, New York 11980
(631) 852-4270

2. On February 12, 2021, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization to excavate approximately 4,890 cubic yards (CY) of material to create an approximately 788-foot-long tidal channel (over an approximately 9,564 square foot area) to a depth of -1.50 NGVD29 or 2-feet below Mean Low Water. Approximately 84 CY of material will be dredged below Spring High Water at the mouth of the proposed channel. The excavated material will be reused on site to create an approximately 58,599-square foot upland berm at a 1:3 slope. An additional 2,170 CY of clean fill and planting material will be brought in to cap the upland berm. Approximately 1,668 CY of material will be discharged to create a one-foot cap of clean fill and planting medium on the bottom of the proposed channel and within the proposed intertidal marsh and high marsh planting areas. The tidal channel will be planted with native wetlands species including *Spartina alterniflora* in the low marsh intertidal areas (between elevations 0.5 and 2.0) and *Spartina patens* at higher elevations in the floodplain/high marsh area. In total approximately 11,471 square feet of intertidal marsh will be restored and approximately 23,949 square feet of floodplain/high marsh will be created.

To allow for the channel to cross under the existing road, an approximately six-foot-wide by six-foot-high by 37-foot-long pre-cast concrete box culvert will be constructed and will be to have a natural bottom with approximately 9 CY of clean fill.

Temporary construction activities include the use of a temporary cofferdam and temporary dewatering via a mudsucker pump during construction of the culvert. A turbidity curtain and silt fencing will also be utilized during construction. All work landward of where the channel meets Terrys Creek shall occur prior to the opening of the mouth of the channel. The mouth of the channel shall be gradually excavated to allow water to slowly pour into the newly created channel.

The project is located at Indian Island County Park in the Town of Riverhead, Suffolk County, New York.

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3. The specific applicant-provided details are as shown on the attached permit drawings titled "Terrys Creek Wetland Restoration Project" dated, January 2021, and prepared by L.K. McLean Associates, P.C.

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

5. Based on the information submitted to this office and accomplishment of any required notification in accordance with the applicable federal requirements, our review of the subject work indicates that an individual Department of the Army permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 27 Aquatic Habitat Restoration, Enhancement, and Establishment Activities and Number 33 Temporary Construction, Access, and Dewatering in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S. Code 1344). The nationwide permits are prescribed at Reissuance of Nationwide Permits in the Federal Register dated January 6, 2017 (82 FR 1860). The subject work may be performed without further authorization from this office provided it complies with Number 27 Aquatic Habitat Restoration, Enhancement, and Establishment Activities and Number 33 Temporary Construction, Access, and Dewatering; New York District regional conditions; the following work-specific Special Conditions listed below; and any applicable regional conditions added by the State of New York.

6. Other than the work-specific Special Conditions listed below, the 2017 nationwide general permits in the State of New York, including their final regional conditions, water quality certifications, and coastal zone concurrence statements are available at:

<https://www.nan.usace.army.mil/Missions/Regulatory/Nationwide-Permits/>

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

7. Work-specific Special Conditions:

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from

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the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(B) The permittee shall sign and submit the attached compliance certification form to this office **within 30 days of COMPLETION** of the regulated activity authorized by this permit and any mitigation work required by Special Condition.

(C) The permittee shall take actions to prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.

(D) The permittee shall avoid tree cutting from April 1 to October 31 of any calendar year.

(E) The permittee shall avoid excavation activities at the mouth of the creek from January 1 to May 31 of any calendar year to minimize impacts to winter flounder early life stage Essential Fish Habitat (EFH).

(F) The permittee shall ensure that clean sand material, such as D50 (0.5mm+/- 0.25), <10% passing #100 sieve, <5 % passing #200 sieve), be used as the medium for marsh plantings.

(G) The permittee shall ensure that all proposed plantings have an eighty-five (85) percent survival rate and all established and enhanced wetland areas have an eighty-five (85) percent coverage rate of hydrophytic plants (those with a regional indicator status of FAC, FAC+, FAC +/-, or OBL in the report entitled "National List of Plant Species that occur in wetlands, Northeast [Region 1]", published by the U.S. Fish and Wildlife Service). The permittee shall also ensure that the vegetation in the newly established wetland or enhanced wetland areas does not consist of more than a total of 5% areal coverage of common reed (*Phragmites australis*), mile-a-minute (*Polygonum perfoliatum*), purple loosestrife (*Lythrum salicaria*), reed canary grass (*Phalaris arundinacea*), Japanese knotweed (*Polygonum cuspidatum*), Tartarian honeysuckle (*Lonicera tartarica*), Eurasian milfoil (*Myriophyllum spicata*), and/or other invasive species.

(H) The permittee shall provide to this office annual monitoring reports on the status of the restoration activities at the project site for (5) years, after initiation of the activities authorized by this permit. These reports shall be submitted no later than November 15 in each of the years. All data for the reports must be collected between the dates of April 15 and October 15 in the same year it is submitted. If this office determines that the success criteria outlined in Special Conditions (G) above has not been met for at least three consecutive years, this period will be extended and the permittee shall continue to submit monitoring reports every year until this office determines that the success criteria has

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been met for three consecutive years. These reports shall be submitted via email to CENAN-R-PERMIT-APP@usace.army.mil and include the following at a minimum:

1. A list of dominant plant species, along with their estimated frequency and percent areal cover in each vegetative strata (i.e. tree, shrub, and herbaceous) for each cover type within the restoration site(s);
2. Photographs showing all representative areas of each cover type within the restoration site;
3. A Corps of Engineers approved wetland delineation data sheet for each cover type within the restoration site;
4. Vegetation cover maps, at a scale of one inch equals 100 feet, or larger scale, outlining the extent (in acres) of each cover type within the restoration site shall be prepared for each growing season.
5. Photographs showing all representative areas of each cover type within the restoration sites, taken at least once each year during the period between June 1 and August 15.
6. Well and gauge data showing water elevations within the restoration site recorded twice a month during April through September of each year. The location of the monitoring well or gauge shall be shown on the plan view engineering drawing; and
7. A remedial plan, if necessary, outlining all practicable steps taken or proposed to be taken to ensure the success criteria outlined in Special Condition (G) above are met by the specified due date of the next monitoring report.
8. This verification is valid until March 18, 2022, unless the nationwide general permits are modified, reissued, or revoked before then. This verification will remain valid until March 18, 2022, if the subject work activity complies with the terms of any subsequent modifications of the nationwide general permits. If the nationwide general permits are suspended, revoked, or modified in such a way that the subject activity would no longer comply with the terms and conditions of a nationwide general permit, and the proposed work activity has commenced, or is under contract to commence, the permittee will have twelve (12) months from the date of such permit action to complete the regulated work.
9. In order for us to better serve you and others, please complete our Customer Service Survey located at:

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

10. Any inquiries should be directed to our Regulator-of-the-Day at 917-790-8511. Please be sure to have the above eighteen-character file number readily available when you call.

FOR AND IN BEHALF OF

Ronald R. Pinzon
Chief, Eastern Section

Enclosures (2)

1. Dated Permit Drawings
2. Completion Form

NATIONWIDE GENERAL PERMIT **COMPLIANCE CERTIFICATION** **AND REPORT FORM**

Permit File Number: NAN-2021-00204-EMI

Permittee: Suffolk County Department of Public Works

Location: Indian Island County Park, Town of Riverhead, Suffolk County, New York

Date Permit Letter Issued: _____

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

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

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

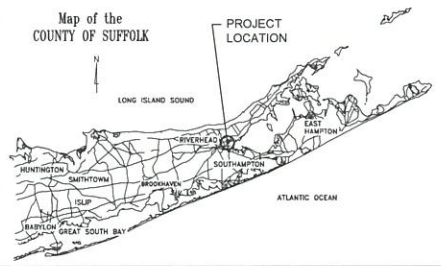
Signature of Permittee

Date

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

**PLACE
STAMP
HERE**

**DEPARTMENT OF THE ARMY
NEW YORK DISTRICT CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
ATTN: CENAN-OP-RE
NEW YORK, NEW YORK 10278-0090**



THIS PROJECT IS LOCATED IN INDIAN ISLAND PARK IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK

PREPARED AND
RECOMMENDED BY: **LKMA** L. K. McLEAN ASSOCIATES, P.C.
CONSULTING ENGINEERS 437 SOUTH COUNTRY RD., BROOKHAVEN, NEW YORK 11719

APPROVED BY: RAYMOND DiBIASE, P.E. - NYSPE Lic. No. 56985

DATE: _____

LETTING DATE: _____

CONTRACTOR: _____

ENGINEER IN CHARGE: _____

COMPLETION DATE: _____

DESIGNED BY: RAS

CHECKED BY: _____

DRAWN BY: BRC

COMPARED BY: _____



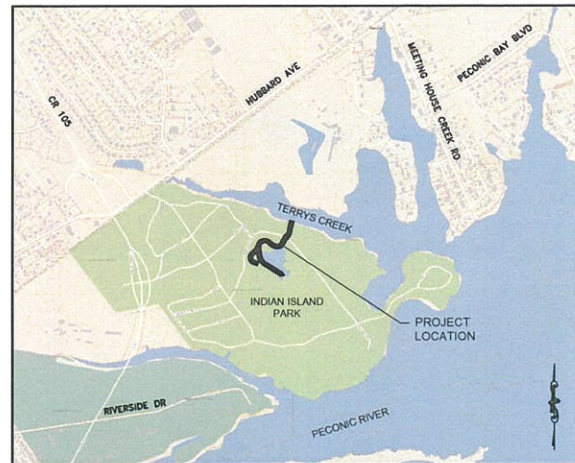
COUNTY OF SUFFOLK DEPARTMENT OF PUBLIC WORKS

PERMIT PLANS FOR INDIAN ISLAND COUNTY PARK TERRYS CREEK WETLAND RESTORATION PROJECT

TOWN OF RIVERHEAD
SUFFOLK COUNTY, NEW YORK

CAPITAL PROJECT N°. 8710.141

ALL WORK CONTEMPLATED UNDER THIS CONTRACT SHALL BE COVERED BY AND IN CONFORMITY WITH THE SPECIFICATIONS ADOPTED NOVEMBER 1, 1968 AS AMENDED BY THE COMMISSIONER OF PUBLIC WORKS OF THE COUNTY OF SUFFOLK, N.Y., AND ENTITLED "PUBLIC WORKS SPECIFICATIONS" AS WELL AS THE GENERAL SPECIFICATIONS FOR TRAFFIC SIGNAL INSTALLATION, DATED JAN. 1980, AND THE ADDENDUM DATED JULY 1991 EXCEPT AS EXCEPT AS MODIFIED ON THIS PLAN AND IN THE PROPOSAL.



LOCATION MAP
0 2000
SCALE IN FEET

INDEX OF DRAWINGS

DRAWING NAME:	SHEET NO.
COVER SHEET & INDEX	1 OF 12
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NYS DOT STANDARD SHEETS

203-04, 203-05, 209-3, 604-02, 606-09, 606-10, 606-11, 608-01, 609-02, 609-03, 611-01, 619-10, 619-11, 619-21, 619-30, 645-01, 645-03, 655-03, 655-04, 655-05, 685-01

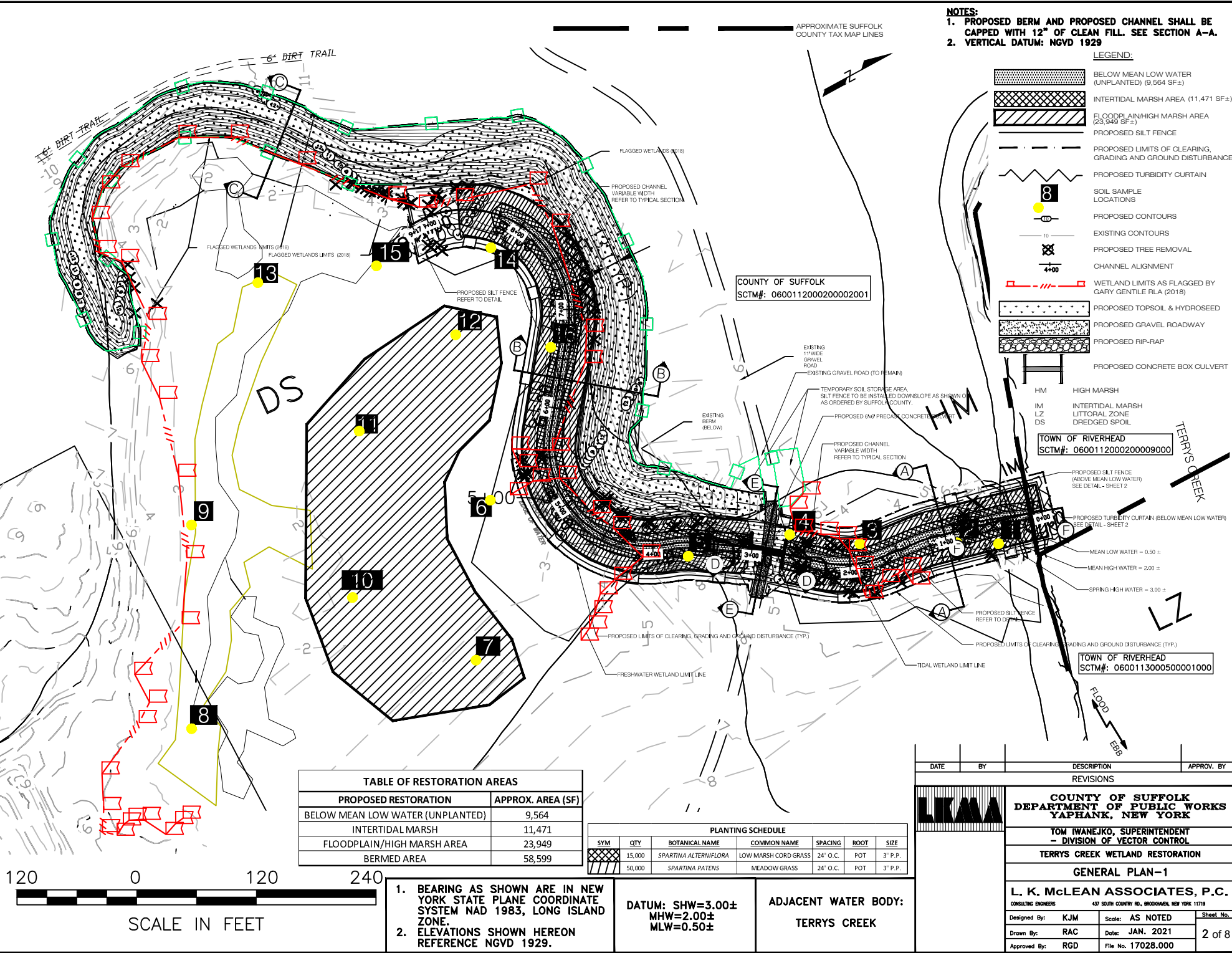
Prepared under Article 6 - Section 116 of the Highway Law

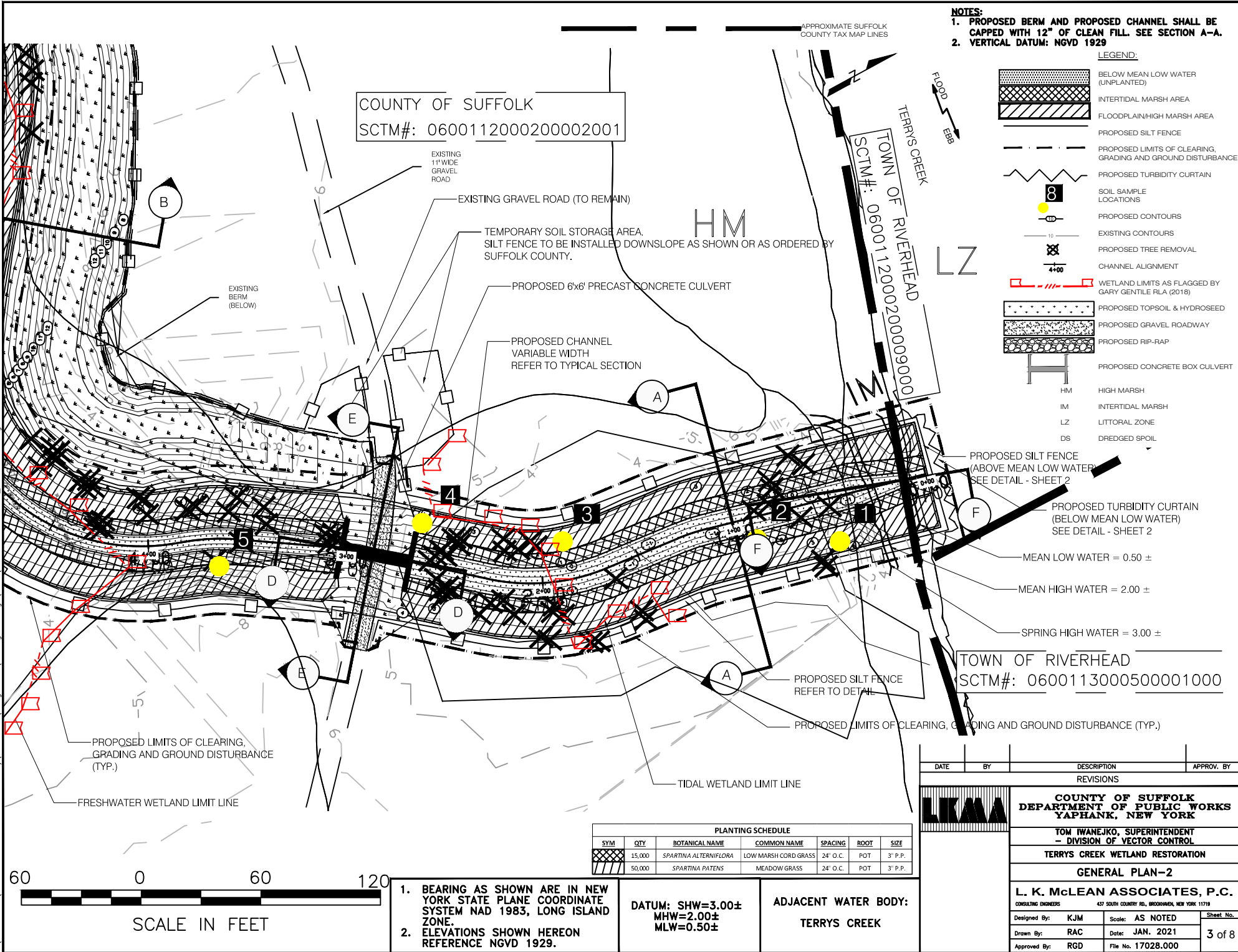
APPROVED BY: WILLIAM HILLMAN, P.E., CHIEF ENGINEER DATE: _____

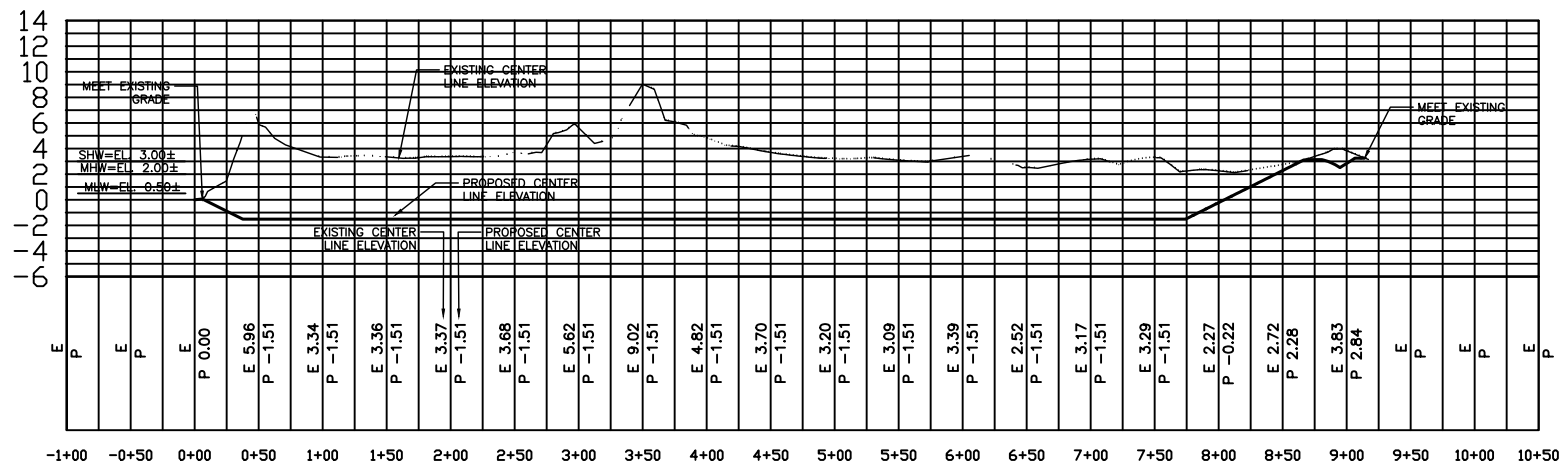
APPROVED BY: JOE BROWN, P.E., COMMISSIONER OF PUBLIC WORKS DATE: _____

PLAN REVIEWED BY		
SECTION	INITIAL	DATE
HIGHWAY DESIGN		
CONSULTANT MANAGEMENT		
TRAFFIC SAFETY		
BRIDGES, STRUCTURES & WATERWAYS		
CONSTRUCTION		

THE EDUCATION LAW OF THE STATE OF NEW YORK PROHIBITS ANY PERSON FROM ALTERING ANYTHING ON THE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATIONS, UNLESS IT'S UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, WHERE SUCH ALTERATIONS ARE MADE, THE PROFESSIONAL ENGINEER MUST SIGN AND SEAL, DATE AND DESCRIBE THE FULL EXTENT OF THE ALTERATION ON THE DRAWING AND/OR IN THE SPECIFICATION (NYS ED. LAW SECTION 7209-2).







CHANNEL BOTTOM PROFILE

SCALE: HORIZ. 1"=150'
VERT. 1"= 15'

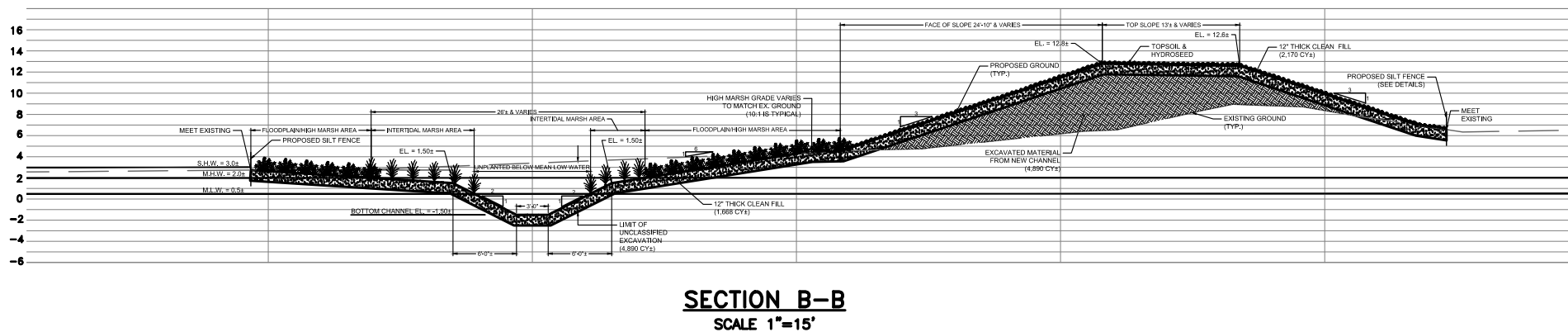
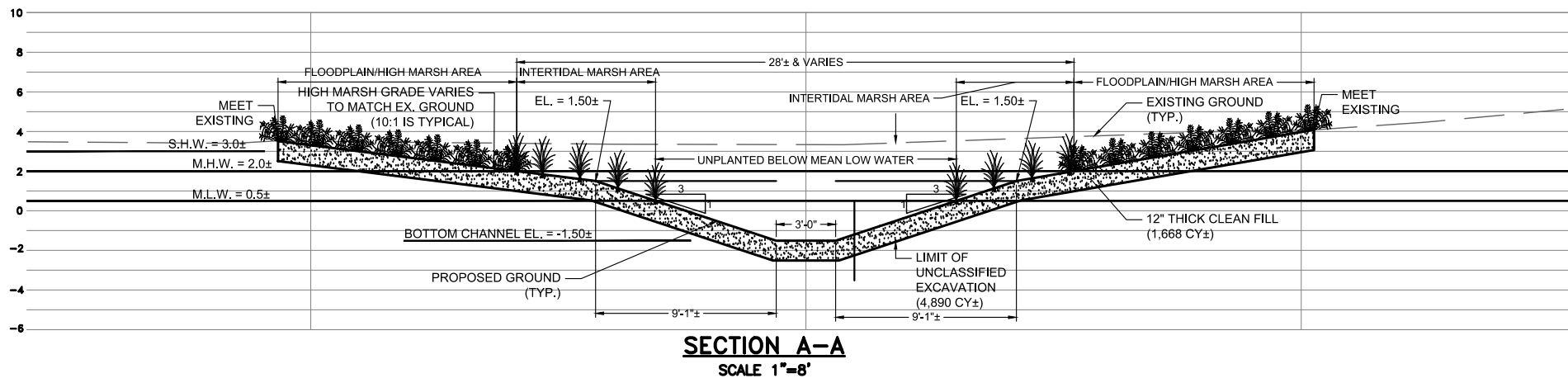
Feb 12, 2021 - 10:24am
P:\17028.000 (Indian Island Wetlands Restoration)\Vault Files\Design Drawings\ACOE\8.5x11 General Plan.dwg

1. BEARING AS SHOWN ARE IN NEW YORK STATE PLANE COORDINATE SYSTEM NAD 1983, LONG ISLAND ZONE.
2. ELEVATIONS SHOWN HEREON REFERENCE NGVD 1929.

DATUM: SHW=3.00±
MHW=2.00±
MLW=0.50±

ADJACENT WATER BODY:
TERRYS CREEK

DATE	BY	DESCRIPTION	APPROV. BY
REVISIONS			
			
COUNTY OF SUFFOLK DEPARTMENT OF PUBLIC WORKS YAPHANK, NEW YORK			
TOM IWANEJKO, SUPERINTENDENT - DIVISION OF VECTOR CONTROL			
TERRYS CREEK WETLAND RESTORATION			
CHANNEL PROFILE			
L. K. McLEAN ASSOCIATES, P.C.			
CONSULTING ENGINEERS 437 SOUTH COUNTRY RD., BROOKHAVEN, NEW YORK 11719			
Designed By:	KJM	Scale:	AS NOTED
Drawn By:	RAC	Date:	JAN. 2021
Approved By:	RGD	File No.	17028.000
			Sheet No. 4 of 8

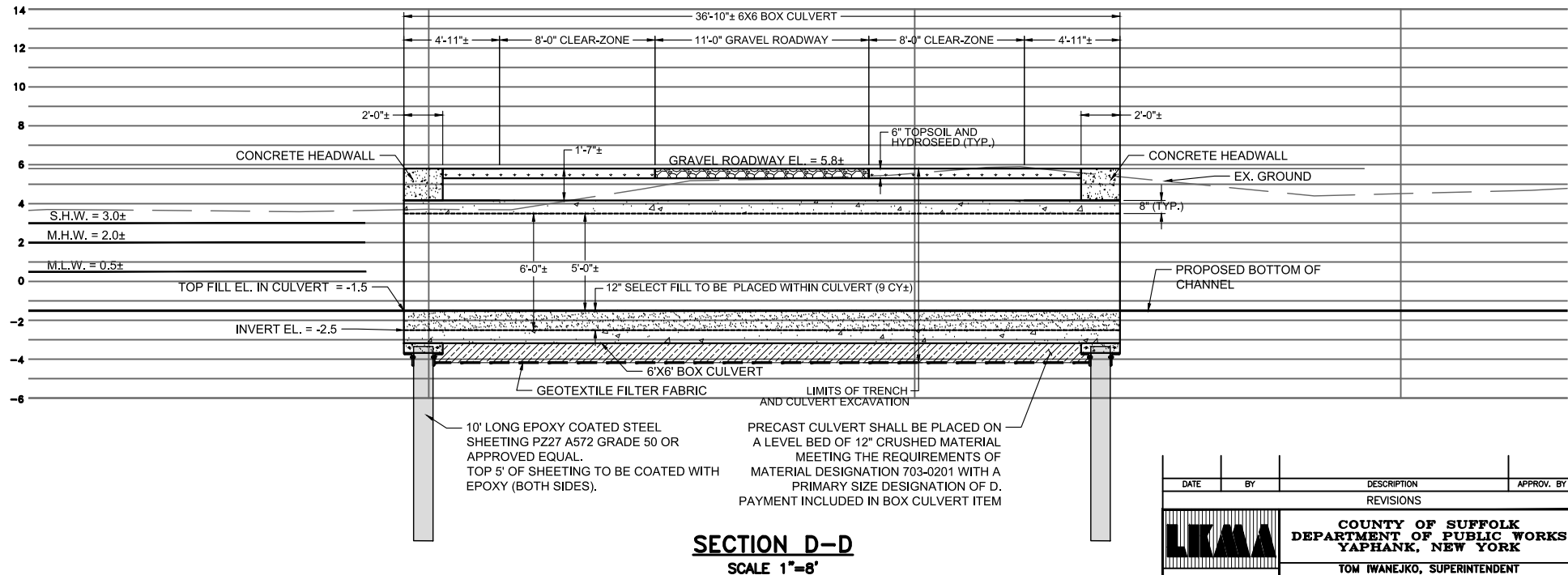
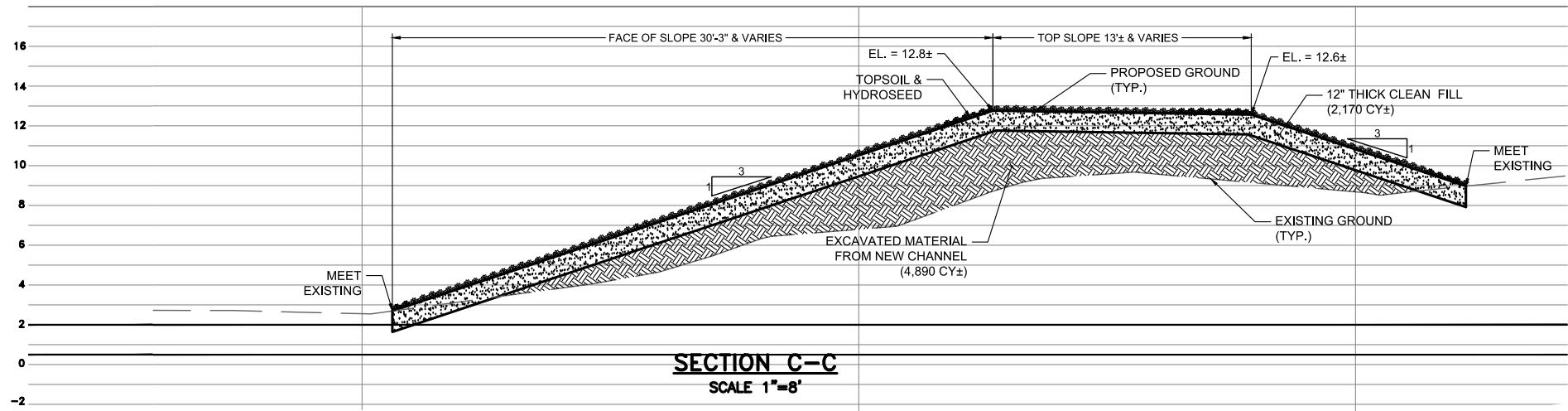


1. BEARING AS SHOWN ARE IN NEW YORK STATE PLANE COORDINATE SYSTEM NAD 1983, LONG ISLAND ZONE.
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DATUM: SHW=3.00±
MHW=2.00±
MLW=0.50±

ADJACENT WATER BODY:
TERRYS CREEK

DATE	BY	DESCRIPTION	APPROV. BY
REVISIONS			
			
COUNTY OF SUFFOLK DEPARTMENT OF PUBLIC WORKS YAPHANK, NEW YORK			
TOM IWANEJKO, SUPERINTENDENT - DIVISION OF VECTOR CONTROL			
TERRYS CREEK WETLAND RESTORATION			
TYPICAL SECTIONS-1			
L. K. McLEAN ASSOCIATES, P.C. CONSULTING ENGINEERS 437 SOUTH COUNTRY RD., BROOKHAVEN, NEW YORK 11719			
Designed By: KJM	Scale: AS NOTED	Sheet No.	
Drawn By: RAC	Date: JAN. 2021	5 of 8	
Approved By: RGD	File No. 17028.000		



1. BEARING AS SHOWN ARE IN NEW YORK STATE PLANE COORDINATE SYSTEM NAD 1983, LONG ISLAND ZONE.
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DATUM: SHW=3.00±
MHW=2.00±
MLW=0.50±

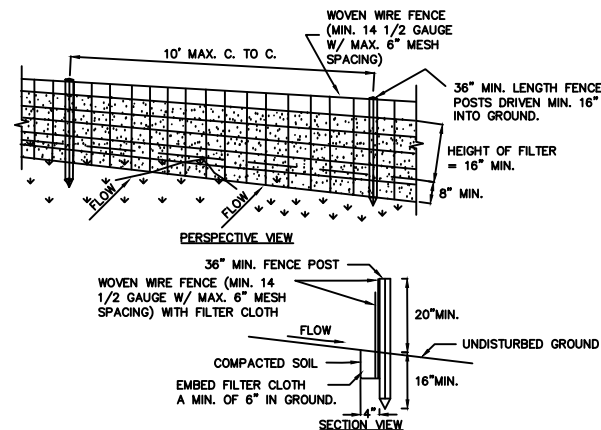
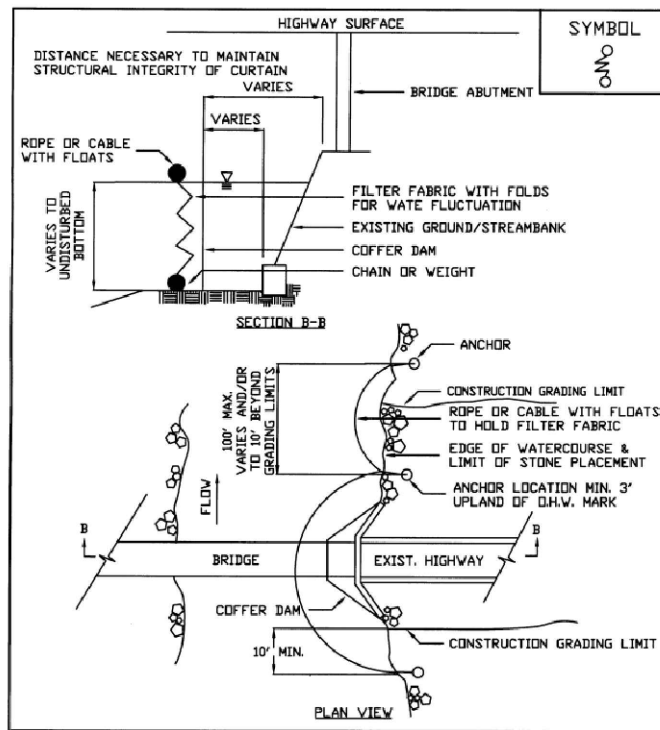
ADJACENT WATER BODY:
TERRYS CREEK

DATE	BY	DESCRIPTION	APPROV. BY
REVISIONS			
COUNTY OF SUFFOLK DEPARTMENT OF PUBLIC WORKS YAPHANK, NEW YORK			
TOM IWANEJKO, SUPERINTENDENT - DIVISION OF VECTOR CONTROL			
TERRYS CREEK WETLAND RESTORATION			
TYPICAL SECTIONS-2			
L. K. McLEAN ASSOCIATES, P.C. CONSULTING ENGINEERS 437 SOUTH COUNTRY RD., BROOKHAVEN, NEW YORK 11719			
Designed By: KJM	Scale: AS NOTED	Sheet No.	
Drawn By: RAC	Date: JAN. 2021	6 of 8	
Approved By: RGD	File No. 17028.000		



DATE	BY	DESCRIPTION	APPROV. BY
REVISIONS			
	COUNTY OF SUFFOLK DEPARTMENT OF PUBLIC WORKS YAPHANK, NEW YORK		
	TOM IWANEJKO, SUPERINTENDENT — DIVISION OF VECTOR CONTROL		
	TERRYS CREEK WETLAND RESTORATION		
	TYPICAL SECTIONS—3		
	L. K. McLEAN ASSOCIATES, P.C. CONSULTING ENGINEERS 437 SOUTH COUNTRY RD., BROOKHAVEN, NEW YORK 11719		
Designed By:	KJM	Scale:	AS NOTED
Drawn By:	RCD	Date:	JAN. 2021
Approved By:	RGD	File No.	17028.000
			Sheet No. 7 of 8

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CONSTRUCTION SPECIFICATIONS

1. Woven wire fence to be fastened securely to fence posts with wire ties or staples. posts shall be steel either "t" or "u" type or hardwood
2. Filter cloth to be to be fastened securely to woven wire fence with ties spaced every 24" at top and mid section. fence shall be woven wire, 12 1/2 gauge, 6" maximum mesh opening.
3. When two sections of filter cloth adjoin each other they shall be overlapped by six inches and folded. filter cloth shall be either filter x, mirafi 100x, stabilinka t140n, or approved equivalent.
4. Prefabricated units shall be geofab, envirofence, or approved equivalent.
5. Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.

Silt Fence
Scale: NTS

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MLW=0.50±

ADJACENT WATER BODY:
TERRYS CREEK

DATE	BY	DESCRIPTION	APPROV. BY
REVISIONS			
 COUNTY OF SUFFOLK DEPARTMENT OF PUBLIC WORKS YAPHANK, NEW YORK			
TOM IWANEJKO, SUPERINTENDENT - DIVISION OF VECTOR CONTROL TERRYS CREEK WETLAND RESTORATION			
MISCELLANEOUS DETAILS			
L. K. McLEAN ASSOCIATES, P.C. CONSULTING ENGINEERS 437 SOUTH COUNTRY RD., BROOKHAVEN, NEW YORK 11719			
Designed By:	KJM	Scale: AS NOTED	Sheet No.
Drawn By:	RAC	Date: JAN. 2021	8 of 8
Approved By:	RGD	File No. 17028.000	