

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Environmental Permits, Region 1

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

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

[www.dec.ny.gov](http://www.dec.ny.gov)

The Honorable Peter Sartorius, Mayor  
Village of Quogue  
PO Box 926 – 7 Village La.  
Quogue, NY 11959

July 11, 2016

Re: DEC Permit # 1-4736-01875 / 00010 Village of Quogue Beach Nourishment Project

Dear Permittee:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your Tidal Wetlands, Protection of Waters and Water Quality Certification permit authorizing the Village of Quogue Beach Nourishment Project.

Please carefully read the permit as well as all Natural Resource Permit Conditions and all other permit conditions and notifications contained therein to ensure compliance during the term of the permit.

Please contact me at [george.hammarth@dec.ny.gov](mailto:george.hammarth@dec.ny.gov) or (631) 444-0371 if you have any questions or you are unable to comply with any conditions.

Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather.

Sincerely,



George W. Hammarth  
Deputy Regional Permit  
Administrator

Enclosures  
cc: BOH-TW  
file



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

**Permittee and Facility Information**

**Permit Issued To:**  
VILLAGE OF QUOGUE  
  
PO BOX 926  
  
QUOGUE, NY 11959  
(516) 653-4498

**Facility:**  
QUOGUE VILLAGE ATLANTIC OCEAN  
SHORELINE  
VILLAGE OF QUOGUE ATLANTIC OCEAN  
BEACH & SHORELINE  
QUOGUE, NY 11959

**Facility Location:** in SOUTHAMPTON in SUFFOLK COUNTY **Village:** Quogue

**Facility Principal Reference Point:** NYTM-E: 703.082 NYTM-N: 4520.259

Latitude: 40°48'29.6" Longitude: 72°35'32.4"

**Authorized Activity:** Undertake a project to replenish and build the beach berm and primary dune along the entire 2.7 mile length of the Atlantic Ocean beach within the limits of the Village of Quogue. The project will consist of the dredging, with either hydraulic cutterhead or hopper equipment, of an approximately 100 acre area of ocean bottom located about 3,000 - 5,000 feet directly off the Quogue beach to obtain up to 1.1 million cubic yards of sand. The ocean bottom in the borrow area footprint will be lowered by approximately seven feet. The deposition beach is divided into three zones with varying fill templates. From west to east:

Reach 1: 155,000 cubic yards placed over a 3,685 foot length of beach, yielding a berm width of 80 feet and berm elevation of +7 NGVD '29.

Reach 2: 275,000 cubic yards over a 5,364 foot length of beach for a berm width of 50 feet and berm elevation of +7 NGVD '29.

Reach 3: 670,000 cubic yards over a 5,276 foot length of beach for a berm width of 127 feet and berm elevation of +7 NGVD '29.

Tapered dunes planted with beach grass and stabilized with snow fencing will be constructed at the east and west ends of the nourishment area.

The approved project concept is depicted on the preliminary drawing sheets 01 through 04 by Coastal Science & Engineering dated October 2011 and stamped "NYSDEC Approved 7/11/16". The permittee must prepare and submit updated, detailed project drawings for DEC approval prior to the commencement of work authorized by this permit in accordance with Natural Resource Permit Condition 1.



**Permit Authorizations**

**Tidal Wetlands - Under Article 25**

Permit ID 1-4736-01875/00010

New Permit

Effective Date: 7/11/2016

Expiration Date: 3/31/2026

**Water Quality Certification - Under Section 401 - Clean Water Act**

Permit ID 1-4736-01875/00011

New Permit

Effective Date: 7/11/2016

Expiration Date: 3/31/2026

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

Permit ID 1-4736-01875/00012

New Permit

Effective Date: 7/11/2016

Expiration Date: 3/31/2026

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: GEORGE W HAMMARTH, Deputy Regional Permit Administrator

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

Authorized Signature:



Date

7/11/16

**Permit Components**

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS



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

- 1. Permittee Must Submit Updated Drawings for DEC Approval Prior to Project Start** The permittee must prepare and submit six sets of updated plan view, profile view and cross-sectional view drawings (Figures 01-04 by Coastal Science & Engineering) for DEC review and approval at least 30 days prior to project commencement. These drawings must show any and all updates or refinements of such design details as the project limits, dredging and beach nourishment quantities (volumes), the three approved beach fill templates and their specifications, and the borrow area dredging template.
- 2. Authorized Activities Are Subject to Property Interest in Favor of Southampton Trustees** The activities authorized by this permit shall be subject to any property interest in favor of the Trustees of the Freeholders and Commonality of the Town of Southampton under the Dongan Patent.
- 3. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
- 4. Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.
- 5. Activity Window to Protect Listed Species of Beach Nesting Shorebirds** In order to protect state and federally listed species of beach nesting shorebirds such as the piping plover and least tern, activities authorized by this permit are prohibited between the dates April 1 and August 31 of each year.
- 6. Dredge Plant Monitor Requirements** The permittee shall employ appropriate monitoring procedures for Atlantic Sturgeon, marine turtles and marine mammals on any and all dredges used to conduct the work authorized by this permit. These procedures (copy attached) must be set forth in the Project Specifications provided to all bidders and the selected contractor:
  - Monitoring Specifications for Hopper Dredges.
  - Monitoring Specifications for Mechanical Dredges.
  - Sea Turtle Handling & Resuscitation.
  - Incident Report of Sea Turtle Take.
  - Incident Report of Atlantic Sturgeon Take.
  - Endangered Species Observer Program - Large Whale Observation Data
- 7. Borrow Site Maximum Deepening** The approved borrow area shall be deepened to no more than seven (7) feet below the existing seabed elevation shown on the approved plans.



- 8. Leave a Uniform Bottom Elevation** All dredging shall be conducted so as to leave a uniform bottom elevation free of mounds or holes.
- 9. Grade Borrow Area Side Slopes** All side slopes of the borrow area shall not exceed 1 vertical to 5 horizontal (1v : 5h).
- 10. Dredged Depth Survey** Within 30 days of completion of the dredging operation, an as-dredged depth survey of the dredged area shall be submitted to

Regional Habitat - TW  
NYSDEC Region 1 Headquarters  
SUNY @ Stony Brook|50 Circle Rd  
Stony Brook, NY11790 -3409  
Attn: Compliance

- 11. Properly Locate & Position Dredged Material Discharge Pipe** The dredged material discharge pipe shall be located and positioned to prevent the scouring or damage of existing dunes and to prevent the direct placement of material seaward of the line of apparent high water. A diffuser shall be attached to the end of the discharge pipe.
- 12. Grade Completed Beach Smooth** Upon completion of the project, the permittee shall grade the beach berm nourishment area as necessary to ensure that the finished seaward slope conforms with the final slope depicted in the approved plans, and to remove wheel ruts, tire tracks, or any mounds, ridges or holes in excess of six (6) inches above or below the finished beach surface. The grade of the finished beach must be suitable to support the nesting of piping plovers and least terns.
- 13. Use Only Clean, Beach Compatible Sand** All material used to reconstruct or repair dunes and rebuild the beach must be clean, beach compatible (grain size equal to or slightly larger than the existing beach material) sand suitable to provide nesting substrate for the piping plover and least tern.
- 14. Restore Any Areas Disturbed by Construction** Any areas of beach or dune disturbed by the activities authorized herein, such as the installation, relocation and removal of pipes or booster pumps, temporary sand stockpiles or the operation of staging and access areas must be restored to pre-project conditions upon completion of work.
- 15. Plant Beach Grass in All Restored Dune Areas** American Beach Grass must be planted 12 inches on center on all restored seaward dune slopes. 18 inch centers may be used on landward slopes and level grades. The permittee shall maintain plantings at a minimum survival rate of at least 85% for a period no less than 5 years.
- 16. Install Snow Fencing at Seaward Toe of All Restored Dunes** The permittee shall install snow fencing at the seaward toe of all dune areas restored or enhanced under the authority of this permit.
- 17. No Construction Debris in Ocean or on Beach** Any debris or excess material from construction of this project shall be prevented from entering surface waters and completely removed from the beach. This material must be taken to an approved upland area for disposal. No debris is permitted in wetlands and/or surface waters.



**18. Keep Storage Tanks at Least 100 Feet From Surface Waters** Fuel or other chemical storage tanks must be contained and located at all times in an area greater than 100 feet landward of surface waters or wetlands. If this requirement cannot be met, then the storage areas must be designed to completely contain the tank contents and any leakage. Such a containment system must be approved by DEC before any equipment, machinery or tank storage occurs within 100 feet of surface waters or wetlands.

**19. Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined within the project work area and/or upland areas greater than 100 feet landward of the line of apparent high water.

**20. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Coastal Science & Engineering, Preliminary Figures 01 - 04 dated October 2011, 2016 & stamped "NYSDEC Approved 7/11/16". Permittee must submit updated drawings for DEC approval prior to commencement as required by Natural Resource Condition 1 .

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

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

**23. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**24. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.



**25. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

### WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

**1. Water Quality Certification** The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

### GENERAL CONDITIONS - Apply to ALL Authorized Permits:

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:



Regional Permit Administrator  
NYSDEC Region 1 Headquarters  
SUNY @ Stony Brook|50 Circle Rd  
Stony Brook, NY11790 -3409

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Tidal Wetlands, Water Quality Certification.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.



**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

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

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

APPENDIX A  
**MONITORING SPECIFICATIONS FOR HOPPER DREDGES**

**I. EQUIPMENT SPECIFICATIONS**

A. Draghead

The draghead of the dredge shall remain on the bottom **at all times** during a pumping operation, except when:

- 1) the dredge is not in a pumping operation, and the suction pumps are turned completely off;
- 2) the dredge is being re-oriented to the next dredge line during borrow activities; and
- 3) the vessel's safety is at risk (i.e., the dragarm is trailing too far under the ship's hull).

At initiation of dredging, the draghead shall be placed on the bottom during priming of the suction pump. If the draghead and/or dragarm become clogged during dredging activity, the pump shall be shut down, the dragarms raised, whereby the draghead and/or dragarm can be flushed out by trailing the dragarm along side the ship. If plugging conditions persist, the draghead shall be placed on deck, whereby sufficient numbers of water ports can be opened on the draghead to prevent future plugging.

Upon completion of a dredge track line, the drag tender shall:

- 1) throttle back on the RPMs of the suction pump engine to an idling speed (e.g., generally less than 100 RPMs) **prior to** raising the draghead off the bottom, so that no flow of material is coming through the pipe into the dredge hopper. Before the draghead is raised, the vacuum gauge on the pipe should read zero, so that no suction exists both in the dragarm and draghead, and no suction force exists that can impinge a turtle on the draghead grate;
- 2) hold the draghead firmly on the bottom with no flow conditions for approximately 10 to 15 seconds before raising the draghead; then, raise the draghead quickly off the bottom and up to a mid-water column level, to further reduce the potential for any adverse interaction with nearby turtles;
- 3) re-orient the dredge quickly to the next dredge line; and
- 4) re-position the draghead firmly on the bottom prior to bringing the dredge pump to normal pumping speed, and re-starting dredging activity.

**II. LOOKOUT PROTOCOL**

A. Basic Requirement

A lookout with the ability to identify sea turtles and Atlantic sturgeon must be placed aboard the dredge(s) being used, starting immediately upon project commencement to monitor for the presence of listed species impinged on the draghead or present in the vicinity of dredge operations.

B. Information to be Collected

For each sighting of any endangered or threatened marine species, record the following information on the Dredge Observation Form (Appendix D):

- 1) Date, time, coordinates of vessel
- 2) Visibility, weather, sea state
- 3) Vector of sighting (distance, bearing)
- 4) Duration of sighting
- 5) Species and number of animals
- 6) Observed behaviors (feeding, diving, breaching, etc.)
- 7) Description of interaction with the operation

1. For any listed species observed impinged on the draghead, an incident report needs to be filled out and submitted to NMFS (fax (978-281-9394) or e-mail ([incidental.take@noaa.gov](mailto:incidental.take@noaa.gov)) within 24 hours of the incident.

C. Disposition of Parts

If any whole sea turtles or Atlantic sturgeon (alive or dead, decomposed or fresh) or turtle or sturgeon parts are taken incidental to the project(s), Danielle Palmer (978) 282-8468 must be contacted within 24 hours of the take. All whole dead sea turtles or Atlantic sturgeon, or turtle or sturgeon parts, must be photographed and described in detail on the Incident Report of Sea Turtle or Atlantic Sturgeon Mortality (Appendix G or Appendix H). The photographs and reports should be submitted to Danielle Palmer, NMFS, Protected Resources Division, 55 Great Republic Drive, Gloucester, MA 01930-2298. After NMFS is notified of the take, observers may be required to retain turtles for future analysis. Additional analysis will depend on available freezer space, availability of organizations capable of conducting the analysis, and the size/condition of the sample. NMFS will provide guidance on this matter upon the USACEs notification of take. If NMFS determines that the animal is not necessary to save for future analysis, disposition of dead sea turtle species (loggerhead, leatherback, Kemp's ridley, or green turtles) taken either whole or in parts, or any Atlantic sturgeon should be disposed of (after a photograph is taken and a reporting form has been completed) by attaching a weight to the animal and dumping the specimen away from the areas being dredged (e.g., between the shore and the site of dredging operations). If possible, a mark or tag (e.g., Inconel tag) should be placed on the carcass or part in the event that the animal is recaptured or stranded. If the species is unidentifiable or if there are entrails that may have come from a turtle, the subject should be

photographed, placed in plastic bags, labeled with location, load number, date and time taken, and placed in cold storage. Unidentifiable species or parts will be collected by NMFS or NMFS-approved personnel (contact Danielle Palmer at (978) 282-8468). Live turtles (both injured and uninjured) should be held onboard the dredge until transported as soon as possible to the appropriate stranding network personnel for rehabilitation (Appendix C). No live turtles should be released back into the water without first being checked by a qualified veterinarian or a rehabilitation facility.

**APPENDIX B**  
**MONITORING SPECIFICATIONS FOR MECHANICAL DREDGES**

***I. EQUIPMENT SPECIFICATIONS***

A. Floodlights

Should dredging occur at night or in poor lighting conditions, floodlights must be installed to allow the NMFS-approved observer to safely observe and monitor dredge bucket and scow.

B. Intervals between dredging

Sufficient time must be allotted between each dredging cycle for the NMFS-approved observer to inspect the dredge bucket and scow for Atlantic sturgeon and/or sturgeon parts and document the findings.

***II. OBSERVER PROTOCOL***

A. Basic Requirement

A NMFS-approved observer with demonstrated ability to identify Atlantic sturgeon must be placed aboard the dredge(s) being used; starting immediately upon project commencement to monitor for the presence of listed species and/or parts being taken or present in the vicinity of dredge operations.

B. Duty Cycle

A NMFS-approved observers must be onboard during dredging until the project is completed. While onboard, observers shall provide the required inspection coverage to provide 100% coverage of all dredge-cycles.

C. Inspection of Dredge Spoils

During the required inspection coverage, the NMFS-approved observer shall observe the bucket as it comes out of the water and as the load is deposited into the scow during each dredge cycle for evidence of Atlantic sturgeon. If any whole sturgeon (alive or dead) or sturgeon parts are taken incidental to the project(s), NMFS ((978) 281-9328) must be contacted by phone **within 24 hours** of the take. An incident report for sturgeon take shall also be completed by the observer and sent to NMFS via FAX (978) 281-9394 or e-mail ([indidental.take@noaa.gov](mailto:indidental.take@noaa.gov)) within 24 hours of the take. Incident reports shall be completed for every take regardless of the state of decomposition. Every incidental take (alive or dead, decomposed or fresh) must be photographed. A final report including all completed load sheets, photographs, and relevant incident reports are to be submitted to the attention of the Section 7 Coordinator, NMFS Protected Resources Division, 55 Great Republic Drive, Gloucester, MA 01930.

D. Inspection of Disposal

The NMFS-approved observer shall observe all disposal operations to inspect for any whole sturgeon or sturgeon parts that may have been missed when the load was deposited into the scow. If any whole sturgeon (alive or dead) or sturgeon parts are observed during disposal operation, the procedure for notification and documentation outlined above should be completed.

#### E. Disposition of Parts

As required above, NMFS must be contacted as soon as possible following a take. Any dead sturgeon should be held in cold storage until disposition can be discussed with NMFS. Under no circumstances should dead sturgeon be disposed of without confirmation of disposition details with NMFS.

### III. OBSERVER REQUIREMENTS

Submission of résumés of endangered species observer candidates to NMFS for final approval ensures that the observers placed onboard the dredges are qualified to document takes of endangered and threatened species, to confirm that incidental take levels are not exceeded, and to provide expert advice on ways to avoid impacting endangered and threatened species. NMFS does not offer certificates of approval for observers, but approves observers on a case-by-case basis.

#### A. Qualifications

Observers must be able to:

- 1) differentiate between shortnose (*Acipenser brevirostrum*) and Atlantic (*Acipenser oxyrinchus oxyrinchus*) sturgeon and their parts;
- 2) handle live sturgeon;
- 3) correctly measure the total length and width of live and whole dead sturgeon species;

#### B. Training

Ideally, the applicant will have educational background in biology, general experience aboard dredges, and hands-on field experience with the species of concern. For observer candidates who do not have sufficient experience or educational background to gain immediate approval as endangered species observers, we note below the observer training necessary to be considered admissible by NMFS. We can assist the USACE by identifying groups or individuals capable of providing acceptable observer training. Therefore, at a minimum, observer training must include:

- 1) instruction on how to identify sturgeon and their parts;
- 2) instruction on appropriate screening on hopper dredges for the monitoring of sturgeon(whole or parts);
- 3) demonstration of the proper handling of live sturgeon incidentally captured during

project operations;

- 4) instruction on standardized measurement methods for sturgeon lengths and widths; and
- 5) instruction on dredging operations and procedures, including safety precautions onboard.

**APPENDIX C**  
**SEA TURTLE HANDLING AND RESUCITATION**

It is unlikely that sea turtles will survive impingement in a hopper dredge, as the turtles found in the dragheads are usually dead, dying, or dismantled. However, the procedures for handling live sea turtles follow in case the unlikely event should occur.

*Please photograph all turtles (alive or dead) and turtle parts found during dredging activities and complete the Incident Report of Sea Turtle Take (Appendix E).*

**Handling:**

Do not assume that an inactive turtle is dead. The onset of rigor mortis and/or rotting flesh are often the only definite indications that a turtle is dead. Releasing a comatose turtle into any amount of water will drown it, and a turtle may recover once its lungs have had a chance to drain. There are three methods that may elicit a reflex response from an inactive animal:

- Nose reflex. Press the soft tissue around the nose which may cause a retraction of the head or neck region or an eye reflex response.
- Cloaca or tail reflex. Stimulate the tail with a light touch. This may cause a retraction or side movement of the tail.
- Eye reflex. Lightly touch the upper eyelid. This may cause an inward pulling of the eyes, flinching or blinking response.

**General handling guidelines:**

- Keep clear of the head.
- Adult male sea turtles of all species other than leatherbacks have claws on their fore flippers. Keep clear of slashing fore flippers.
- Pick up sea turtles by the front and back of the top shell (carapace). Do not pick up sea turtles by flippers, the head or the tail.
- If the sea turtle is actively moving, it should be retained at the OCNGS until transported by stranding/rehabilitation personnel to the nearest designated stranding/rehabilitation facility. The rehabilitation facility should eventually release the animal in the appropriate location and habitat for the species and size class of the turtle.

**Live sea turtles within dredge gear**

When a sea turtle is found in the dredge gear, observe it for activity and potential injuries.

<If the turtle is actively moving, it should be retained onboard until evaluated for injuries by a permitted rehabilitation facility. Due to the potential for internal injuries associated with hopper entrainment, it is necessary to transport the live turtle to the nearest rehabilitation facility as soon as possible, following these steps:

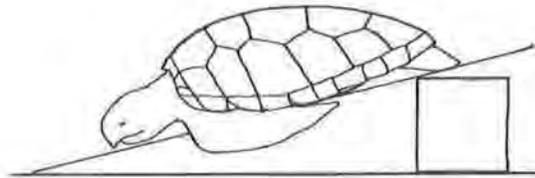
- 1) Contact the nearest rehabilitation facility to inform them of the incident. If the rehabilitation personnel cannot be reached immediately, please contact NMFS stranding hotline at 866-755-6622 or NMFS Sea Turtle Stranding Coordinate (Kate Sampson) at 978-282-8470.
- 2) Keep the turtle shaded and moist (e.g., with a water-soaked towel over the eyes, carapace, and flippers), and in a confined location free from potential injury.
- 3) Contact the crew boat to pick up the turtle as soon as possible from the dredge (within 12 to 24 hours maximum). The crew boat should be aware of the potential for such an incident to occur and should develop an appropriate protocol for transporting live sea turtles.
- 4) Transport the live turtle to the closest permitted rehabilitation facility able to handle such a case.

**Sea Turtle Resuscitation Regulations: (50 CFR 223.206(d)(1))**

If a turtle appears to be comatose (unconscious), contact the designated stranding/rehabilitation personnel immediately. Once the rehabilitation personnel has been informed of the incident, attempts should be made to revive the turtle at once. Sea turtles have been known to revive up to 24 hours after resuscitation procedures have been followed.

- Place the animal on its bottom shell (plastron) so that the turtle is right side up and elevate the hindquarters at least 6 inches for a period of 4 up to 24 hours. The degree of elevation depends on the size of the turtle; greater elevations are required for larger turtles.
- Periodically, rock the turtle gently left to right and right to left by holding the outer edge of the shell (carapace) and lifting one side about 3 inches then alternate to the other side.
- Periodically, gently conduct one of the above reflex tests to see if there is a response.
- Keep the turtle in a safe, contained place, shaded, and moist (e.g., with a water-soaked towel over the eyes, carapace, and flippers) and observe it for up to 24 hours.

- If the turtle begins actively moving, retain the turtle until the appropriate rehabilitation personnel can evaluate the animal. The rehabilitation facility should eventually release the animal in a manner that minimizes the chances of re-impingement and potential harm to the animal (i.e., from cold stunning).



- Turtles that fail to move within several hours (24) should be transported to a suitable facility for necropsy (if the condition of the sea turtle allows).

### **Dead sea turtles**

The procedures for handling dead sea turtles and parts are described in Appendix A-II-C.

### **Stranding/rehabilitation contacts**

- NMFS Stranding Hotline at **(866)-755-6622**
- New York: Riverhead Foundation for Marine Research and Preservation, hotline: **631-369-9829**
- New Jersey: Marine Mammal Stranding Center, hotline: **609-266-0538**



**APPENDIX E**  
**INCIDENT REPORT OF SEA TURTLE TAKE**

Species \_\_\_\_\_ Date \_\_\_\_\_ Time (specimen found) \_\_\_\_\_

Geographic Site \_\_\_\_\_

Location: Lat/Long \_\_\_\_\_

Vessel Name \_\_\_\_\_ Load # \_\_\_\_\_

Begin load time \_\_\_\_\_ End load time \_\_\_\_\_

Begin dump time \_\_\_\_\_ End dump time \_\_\_\_\_

Sampling method \_\_\_\_\_

Condition of screening \_\_\_\_\_

Location where specimen recovered \_\_\_\_\_

Draghead deflector used? YES NO Rigid deflector draghead? YES NO

Condition of deflector \_\_\_\_\_

Weather conditions \_\_\_\_\_

Water temp: Surface \_\_\_\_\_ Below midwater (if known) \_\_\_\_\_

**Species Information:** *(please designate cm/m or inches.)*

Head width \_\_\_\_\_ Plastron length \_\_\_\_\_

Straight carapace length \_\_\_\_\_ Straight carapace width \_\_\_\_\_

Curved carapace length \_\_\_\_\_ Curved carapace width \_\_\_\_\_

Condition of specimen/description of animal (please complete attached diagram)

\_\_\_\_\_

\_\_\_\_\_

Turtle Decomposed: NO SLIGHTLY MODERATELY SEVERELY

Turtle tagged: YES NO *Please record all tag numbers.* Tag # \_\_\_\_\_

Genetic sample taken: YES NO

Photograph attached: YES NO

*(please label species, date, geographic site and vessel name on back of photograph)*

Comments/other (include justification on how species was identified) \_\_\_\_\_

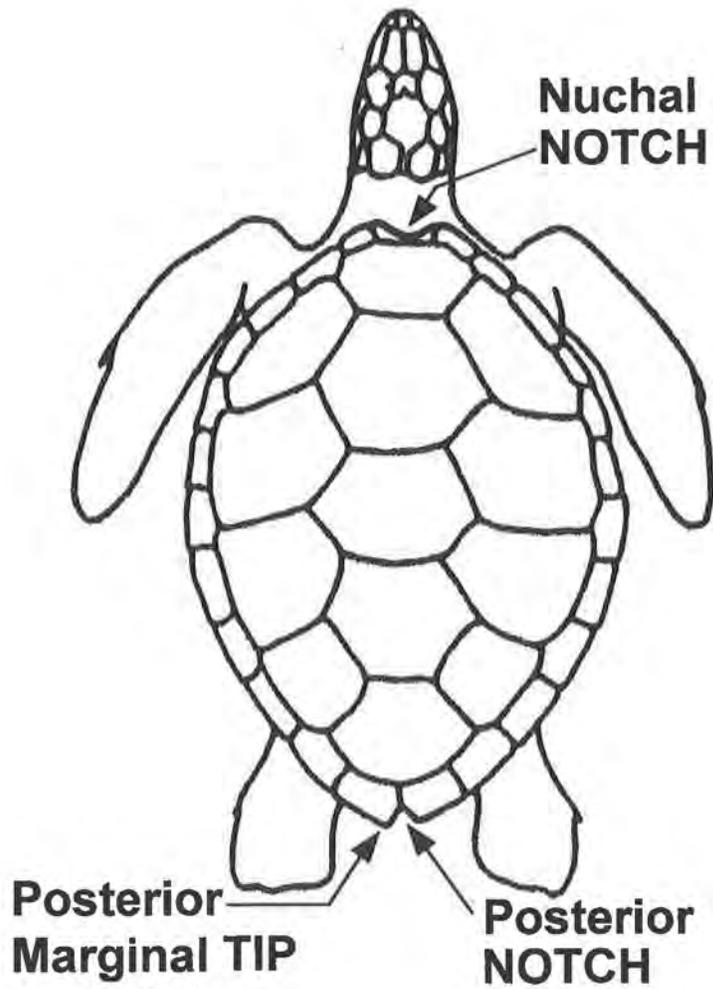
\_\_\_\_\_

Observer's Name \_\_\_\_\_

Observer's Signature \_\_\_\_\_

**APPENDIX E, Continued**  
**Incident Report of Sea Turtle Take**

Draw wounds, abnormalities, tag locations on diagram and briefly describe below.



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Description of animal:

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# Loggerhead (*Caretta caretta*)

Shade areas of turtle that are missing; sketch cracks and lacerations

Comments:

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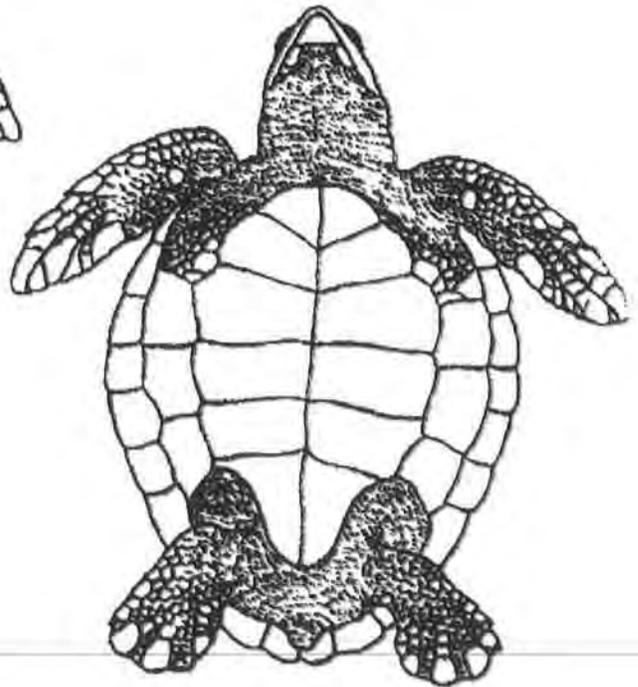
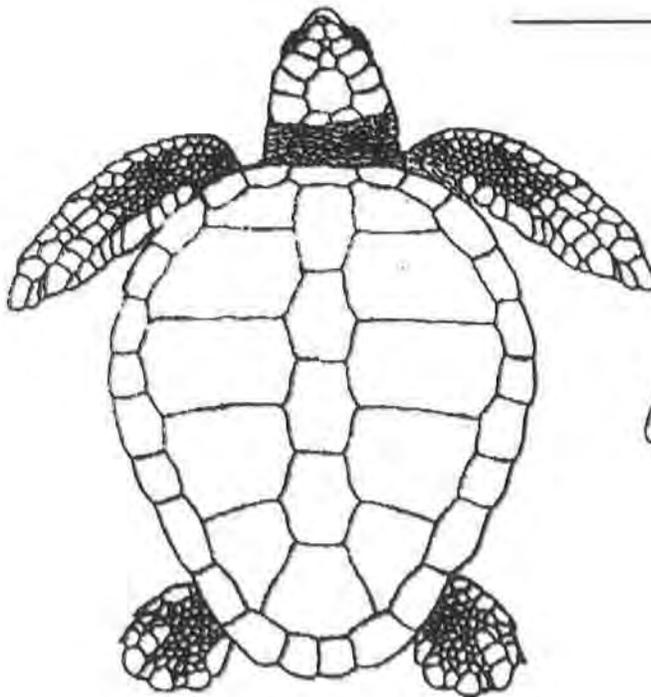
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# Kemp's Ridley (*Lepidochelys kempii*)

Shade areas of turtle that are missing; sketch cracks and lacerations

Comments:

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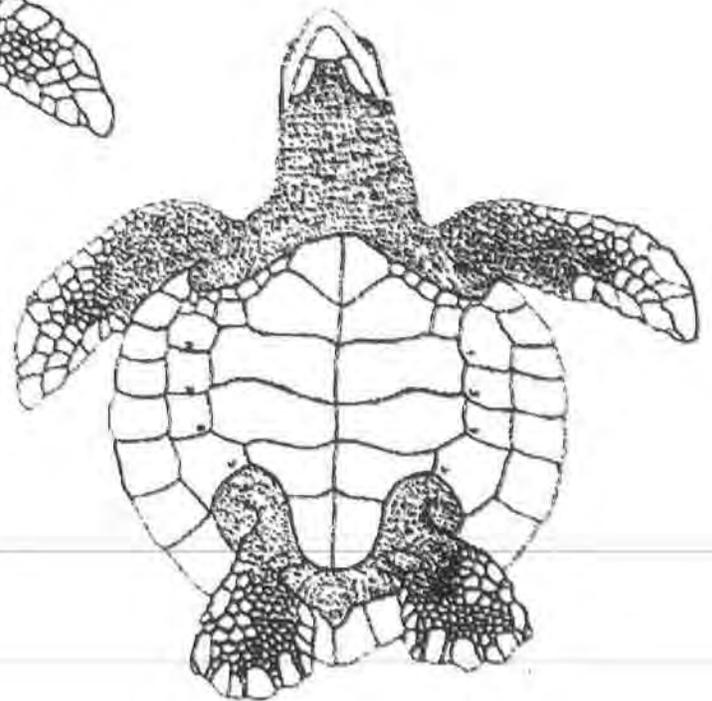
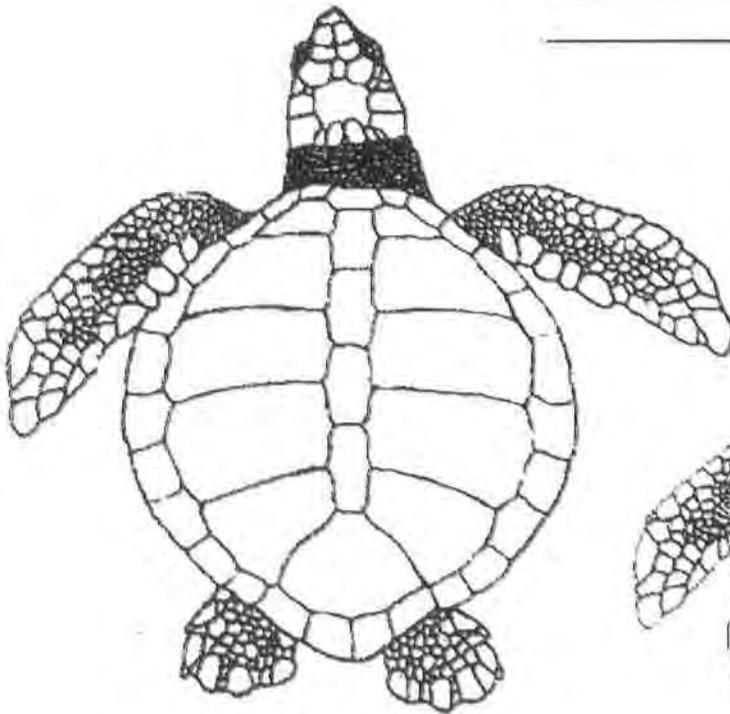
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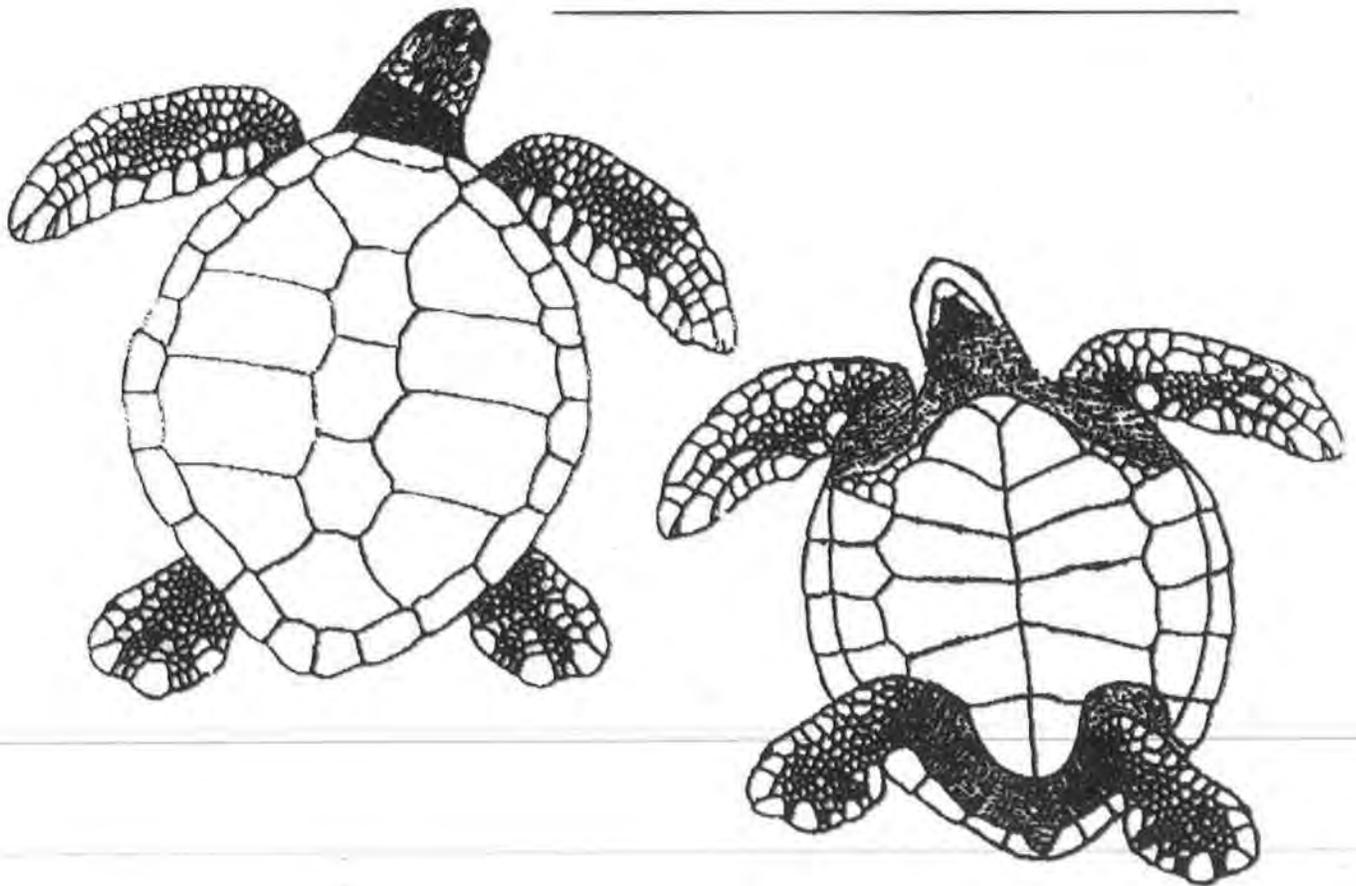
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# Green turtle (*Chelonia mydas*)

Shade areas of turtle that are missing; sketch cracks and lacerations

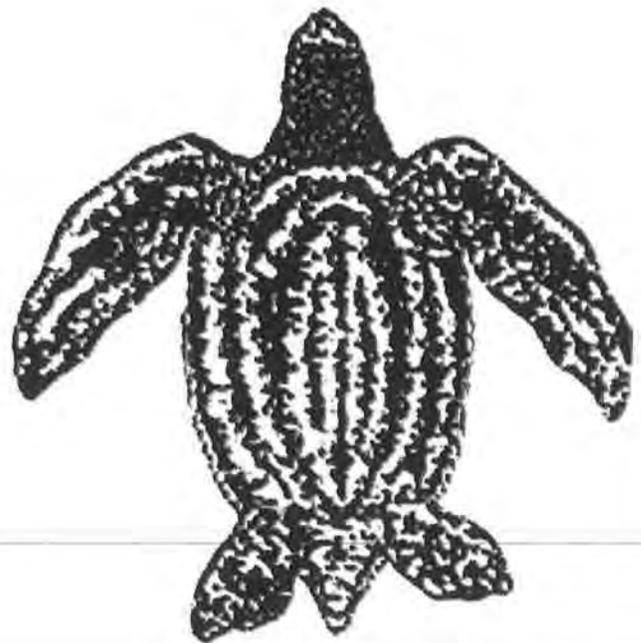
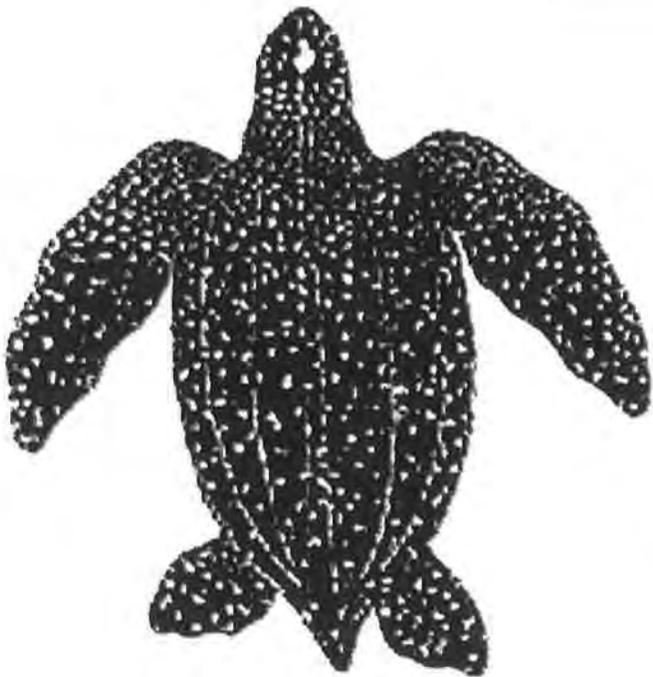
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# Leatherback (*Dermochelys coriacea*)

Shade areas of turtle that are missing; sketch cracks and lacerations

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**APPENDIX F**  
**INCIDENT REPORT OF ATLANTIC STURGEON TAKE**

*Photographs should be taken and the following information should be collected from all sturgeon (alive and dead) found in association with the HDP.*

Date \_\_\_\_\_ Time (specimen found) \_\_\_\_\_

Geographic Site \_\_\_\_\_

Location: Lat/Long \_\_\_\_\_

Vessel Name \_\_\_\_\_ Load # \_\_\_\_\_

Begin load time \_\_\_\_\_ End load time \_\_\_\_\_

Begin dump time \_\_\_\_\_ End dump time \_\_\_\_\_

Sampling method \_\_\_\_\_

Condition of screening \_\_\_\_\_

Location where specimen recovered \_\_\_\_\_

Draghead deflector used? YES NO Rigid deflector draghead? YES NO

Condition of deflector \_\_\_\_\_

Weather conditions \_\_\_\_\_

Water temp: Surface \_\_\_\_\_ Below midwater (if known) \_\_\_\_\_

**Species Information:** *(please designate cm/m or inches.)*

Fork length (or total length) \_\_\_\_\_ Weight \_\_\_\_\_

Condition of specimen/description of animal

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fish Decomposed: NO SLIGHTLY MODERATELY SEVERELY

Fish tagged: YES / NO *Please record all tag numbers.* Tag # \_\_\_\_\_

Genetic sample taken: YES NO

Photograph attached: YES / NO

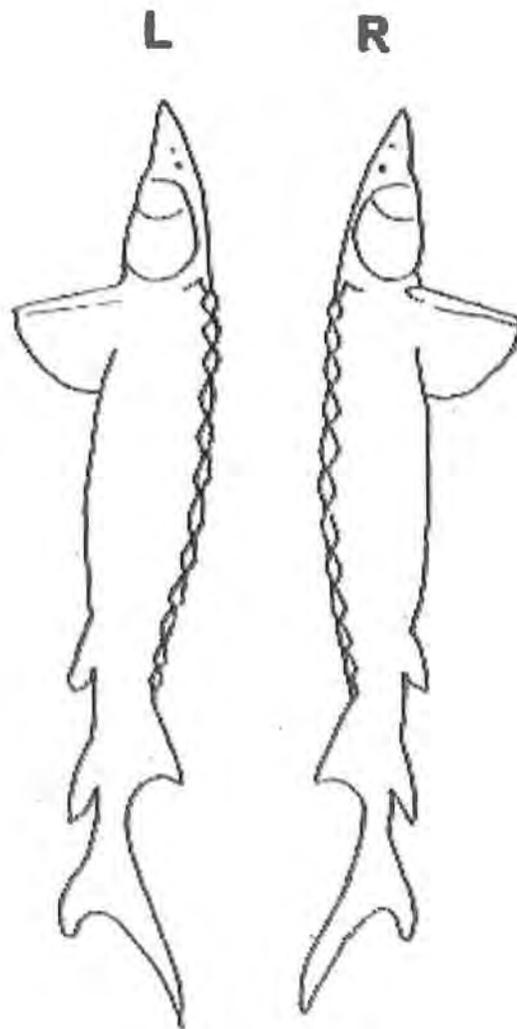
*(please label species, date, geographic site and vessel name on back of photograph)*

Comments/other (include justification on how species was identified)

\_\_\_\_\_  
Observer's Name \_\_\_\_\_ Observer's Signature \_\_\_\_\_

**Appendix F, continued**

Draw wounds, abnormalities, tag locations on diagram and briefly describe below



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Description of fish condition:

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**APPENDIX G**

**ENDANGERD SPECIES OBSERVER PROGRAM  
LARGE WHALE OBSERVATION DATA**

**ENDANGERD SPECIES OBSERVER PROGRAM  
LARGE WHALE OBSERVATION DATA**

**USACE DISTRICT:** \_\_\_\_\_  
**PROJECT:** \_\_\_\_\_

**DATE:** \_\_\_\_\_ **VESSEL:** \_\_\_\_\_

**Load #** \_\_\_\_\_ **Times: Start** \_\_\_\_\_ **End** \_\_\_\_\_ **Dump** \_\_\_\_\_

**Location(lat/long)** \_\_\_\_\_ **X** \_\_\_\_\_  
**Beaufort Sea State:**    0    1    2    3    4    5    6    7    8    9    10    11    12

**AIR TEMP:** \_\_\_\_\_ °C / °F    **WATER TEMP:** \_\_\_\_\_ °C / °F    **WINDS:** \_\_\_\_\_    **SEAS:** \_\_\_\_\_    **% CLOUD COVER:** \_\_\_\_\_

**Start Sighting Time:** \_\_\_\_\_ **Vessel location (lat/long)** \_\_\_\_\_ **X** \_\_\_\_\_

**Magnetic bearing to sighting:** \_\_\_\_\_ **Estimated distance:** \_\_\_\_\_

**Species observed:** \_\_\_\_\_ **# of animals:** \_\_\_\_\_

**Vessel's heading:** \_\_\_\_\_ **Animal's heading:** \_\_\_\_\_

**Estimated length of whale(s):** \_\_\_\_\_

**Coloration:** \_\_\_\_\_

**Fins or flippers observed:** \_\_\_\_\_

**Behaviors observed:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Surfacing intervals (time and distance):** \_\_\_\_\_

**End Sighting Time:** \_\_\_\_\_ **Vessel location (lat/long)** \_\_\_\_\_ **X** \_\_\_\_\_

**Duration of observation:** \_\_\_\_\_

**Comments (was whale's behavior affected by vessel? how far and in what direction did whale(s) move during observation? who was notified?):** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Bed lever in use? YES** \_\_\_\_\_ **NO** \_\_\_\_\_ **Unknown** \_\_\_\_\_

**Observers on Duty:** \_\_\_\_\_ **Observer Firm:** \_\_\_\_\_

**NOTICE OF COMMENCEMENT OF CONSTRUCTION**



RETURN THIS FORM TO: COMPLIANCE  
Bureau of Habitat-TW  
50 Circle Road  
Stony Brook, NY 11790-3409

Or Fax to: 631-444-0297

1-4736-01875/00010  
PERMIT NUMBER: \_\_\_\_\_

EXPIRATION DATE: 3/31/2026

PERMITTEE NAME & PROJECT ADDRESS: Village of Quogue; Village of Quogue Beach  
Nourishment Project Atlantic Ocean Beachfront

CONTRACTOR NAME & ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

Dear Sir:

Pursuant to the special conditions of the referenced permit, you are hereby notified that the authorized activity shall commence on \_\_\_\_\_ We certify that we have read the referenced permit and approved plans and fully understand the authorized project and all permit conditions. We have inspected the project site and can complete the project as described in the permit and as depicted on the approved plans. We can do so in full compliance with all plan notes and permit conditions. The permit, permit sign, and approved plans will be available at the site for inspection in accordance with General Condition No. 1. (Both signatures required)

PERMITEE: \_\_\_\_\_ DATE \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_ DATE \_\_\_\_\_

**THIS NOTICE MUST BE SENT TO THE ABOVE ADDRESS AT LEAST TWO DAYS PRIOR TO COMMENCEMENT OF THE PROJECT AND/OR ANY ASSOCIATED ACTIVITIES. FAILURE TO RETURN THIS NOTICE, POST THE PERMIT SIGN, OR HAVE THE PERMIT AND APPROVED PLANS AVAILABLE AT THE WORK SITE FOR THE DURATION OF THE PROJECT MAY SUBJECT THE PERMITEE AND/OR CONTRACTOR TO APPLICABLE SANCTIONS AND PENALTIES FOR NON-COMPLIANCE WITH PERMIT CONDITIONS.**

Cut along this line X X X X X X X X

**NOTICE OF COMPLETION OF CONSTRUCTION**

RETURN THIS FORM TO: COMPLIANCE  
Bureau of Habitat- TW  
50 Circle Road  
Stony Brook, NY 11790-3409

Or Fax to: 631-444-0297



PERMIT NUMBER: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

PERMITTEE NAME & PROJECT ADDRESS: \_\_\_\_\_

CONTRACTOR NAME & ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

Pursuant to special conditions of the referenced permit, you are hereby notified that the authorized activity was completed on \_\_\_\_\_ We have fully complied with the terms and conditions of the permit and approved plans. (Both signatures required)

PERMITEE: \_\_\_\_\_ DATE \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_ DATE \_\_\_\_\_

**THIS NOTICE, WITH PHOTOGRAPHS OF THE COMPLETED WORK AND/OR A COMPLETED SURVEY, AS APPROPRIATE, MUST BE SENT TO THE ABOVE ADDRESS WITHIN 30 DAYS OF COMPLETION OF THE PROJECT.**

New York State  
Department of Environmental Conservation



**NOTICE**



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

1-4736-01875/00010

Permit Number

Expiration Date

3/31/2026

Regional Permit Administrator

**ROGER EVANS**

NOTE: This notice is NOT a permit