



# PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

**In replying refer to:**  
Public Notice Number: NAN-2013-00605-EYA  
Issue Date: December 11, 2013  
Expiration Date: January 11, 2014

**To Whom It May Concern:**

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to 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.C. 1344).

**APPLICANT:** Michael Simon  
101 West Lane  
Bayshore, New York 11706

**ACTIVITY:** Dredging and enlarging existing boat slips

**WATERWAY:** Lawrence Canal, a tributary to Great South Bay

**LOCATION:** Bayshore, Town of Islip, Suffolk County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE**, otherwise, it will be presumed that there are no objections to the activity. Comments provided will become a part of the public record for this action.

**PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE**

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Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation

In order for us to better serve you, please complete our Customer Service Survey located at: <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you

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may contact this office at (917) 790 – 8092 and ask for Jun Yan.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

A handwritten signature in black ink, appearing to read "Jodi M. McDonald". The signature is written in a cursive style with a large initial "J" and "M".

Jodi M. McDonald  
Chief, Regulatory Branch

Enclosures

## WORK DESCRIPTION

The applicant, Michael Simon, has requested Department of the Army authorization for enlarging an existing boat slip, dredging, and bulkhead repair within the Lawrence Canal, a tributary to the Great South Bay. The project is located in Bayshore, the Town of Islip, Suffolk County, New York.

The work would involve the following:

1. Enlarge an existing boat slip by excavating approximately 436 cubic yards to a depth of 4 feet below the plane of the Mean Low Water line. Excavated material will be placed upland on the project site.
2. Construct approximately 196 linear feet of new bulkhead around the enlarged boat slip.
3. Fill in approximately 114 square feet of former boat basin with approximately 29 cubic yards of excavated material.
4. Remove existing piers and construct two (2) 4-foot wide by 16-foot long piers at the mouth of the enlarged boat slips.
5. Dredge 10 feet seaward along the existing bulkhead approximately 250 cubic yards to a depth of 4 feet below the plane of the Mean Low Water line using a clamshell bucket. Dredged material will be placed upland on the project site.
6. Install five (5) 12-inch diameter mooring piles by water jetting.
7. Replace-in-place approximately 292 linear feet of bulkhead.

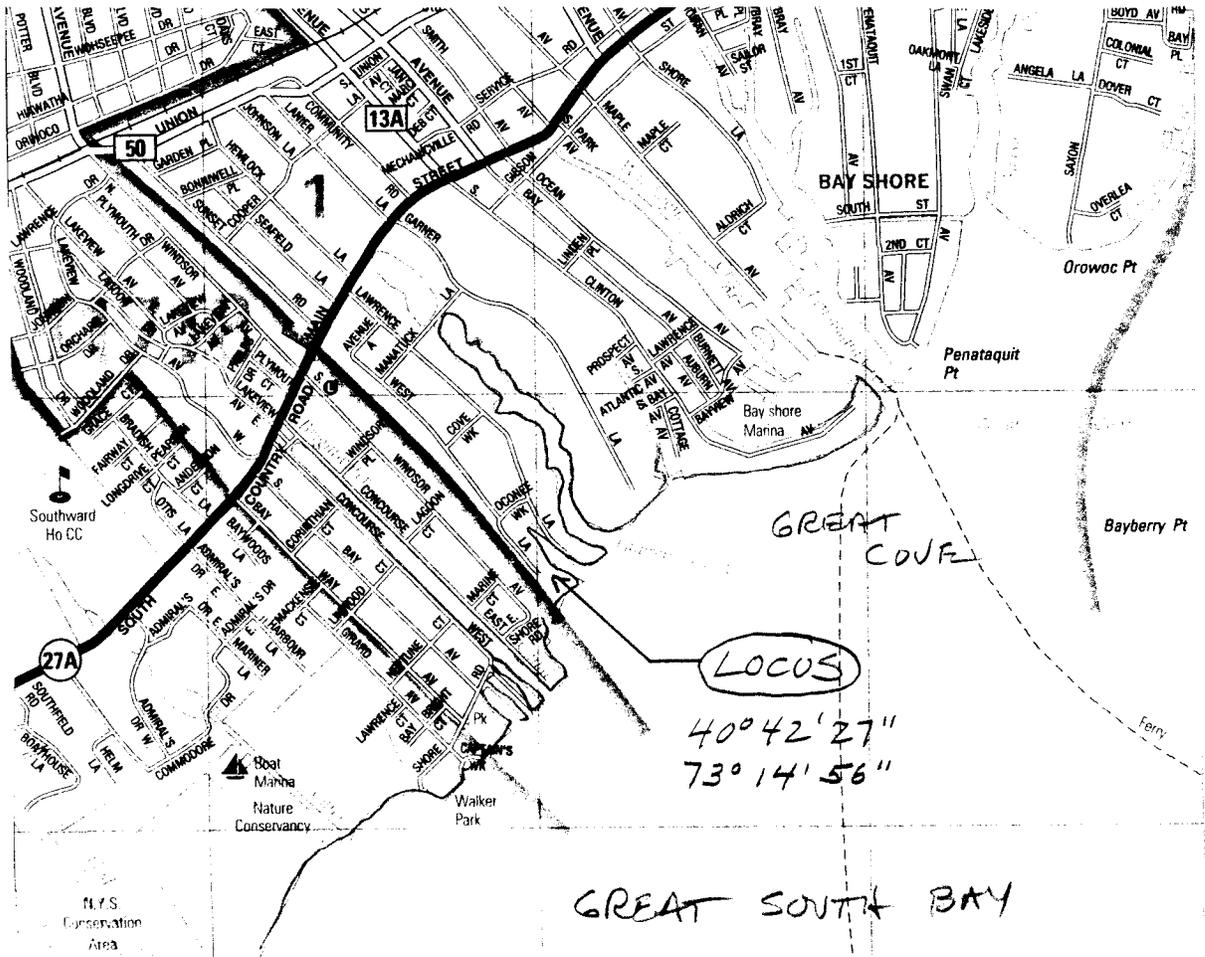
The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by minimizing fill action and increased open water on the site.

The stated purpose of this project is to provide safe mooring for recreational use.

# VICINITY MAP

SUFFOLK COUNTY HAGSTROM'S 8+4 EDITION  
MAP # 17 SCALE IS 1" = 2000'

~~ENCLOSURE~~



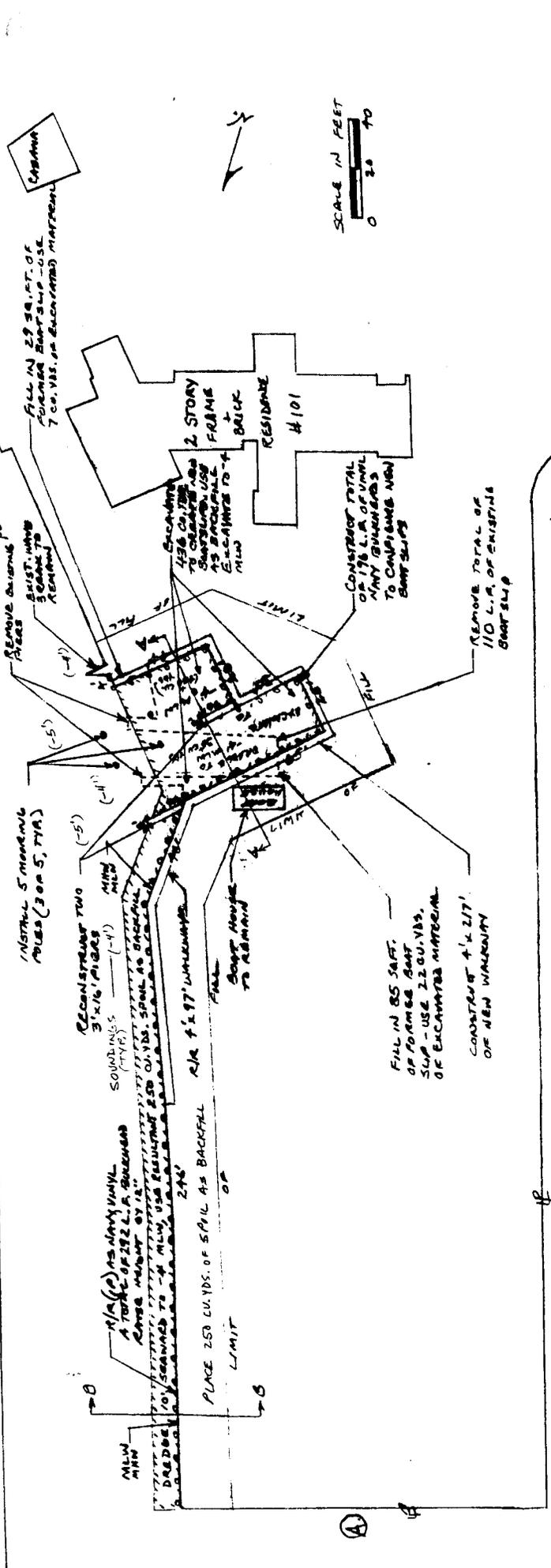
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Excavate approximately 436 cubic yards to -4' MLW to create new boatslips, use excavated material as backfill, construct a total of 196 linear feet (65'+25'+30'+28'+44'+4') of navy, vinyl bulkhead to reconfigure new boat slips, remove total of 110 linear feet of existing boat slip bulkhead, fill in total of 114 square feet (85 + 29) of former boat slip using 29 cubic yards (22 + 7) of excavated material. Construct new 4' x 217' walkway adjacent to new bulkhead. Remove existing 4' x 15' and 4' x 12' piers and reconstruct as 3' x 16' piers at seaward mouth of new large boat slip. R/R (IP) as navy, vinyl a total of 292 linear feet (246'+46') of bulkhead. Raise height by 12". Dredge 10' seaward of bulkhead to -4' MLW, use resulting 250 cu.yds. of spoil as backfill. R/R 4' x 97' of existing walkway adjacent to bulkhead. Install 5 mooring poles.

for  
**MICHAEL SIMON**  
 ON  
**LAWRENCE CANAL**  
 AT  
**BAY SHORE, SUFFOLK CO., NY**  
 SHEET 10F.3 BY: OUTER BENCH MARINE INC.  
 4/5/13 8/15/13 4226 OML BEACH  
 6/15/13 8/20/13 OAK BEACH, NY 11702  
 631-422-0161

**NOTES:**  
 PURPOSE: ADDITION CONTROL AND  
 CAPTE MOORING OF VESSELS  
 DATUM: MLW  
 LOCATION: 101 WEST LANE  
 BAY SHORE, NY 11706  
 SCIM # 500-460-1-22.3 + 15  
 MATERIALS: CCA FRAMING, VINYL  
 SHEATHING, GALV. HARDWARE  
 ADJACENT NEIGHBORS:  
 (A) RAYMOND + VITA MAZZA  
 84 WEST LANE  
 BAY SHORE, NY 11706  
 (B) CONSTANCE UYMA  
 96 WEST LANE  
 BAYSHORE, NY 11706



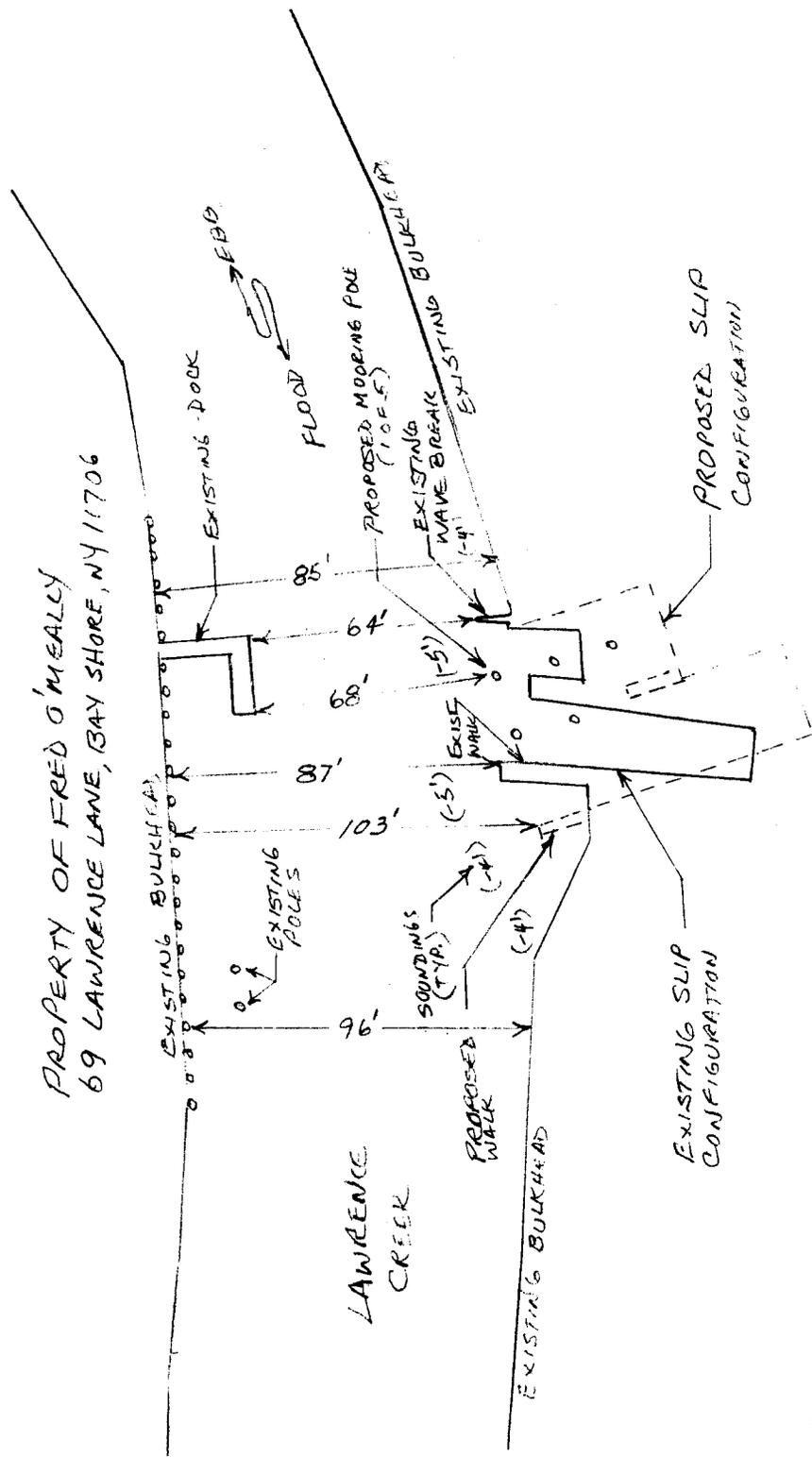
NAN-2013-00605-EYA  
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ADJACENT STRUCTURES ON OPPOSITE SHORE AND DISTANCE TO PROPOSED STRUCTURES

FOR  
MICHAEL B. SIMON  
101 WEST LANE  
BAY SHORE NY 11706

ACOE APP# NAN-2013-00605-EYA

PROPERTY OF FRED O'MEALLY  
69 LAWRENCE LANE, BAY SHORE, NY 11706



SCALE IN FEET  
0 10 20 30 40 50  
1" = 50'

8/20/13 NAN-2013-00605-EYA

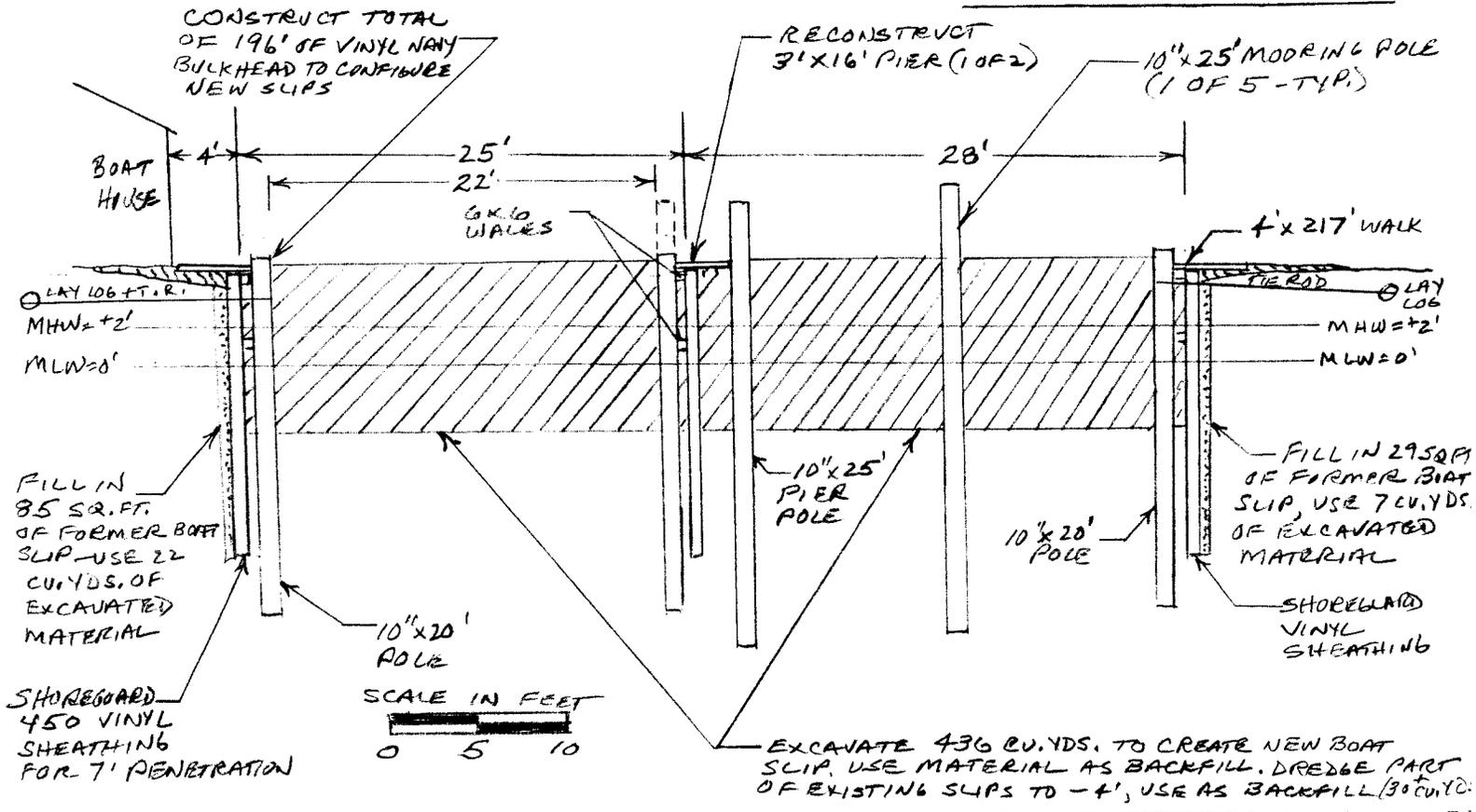
BY: OUTER BEACH MARINE INC.  
4226 OAK BEACH  
OAK BEACH, NY 11702  
631-422-0161

SIMON PROPERTY  
 101 WEST LANE  
 BAY SHORE, NY 11706

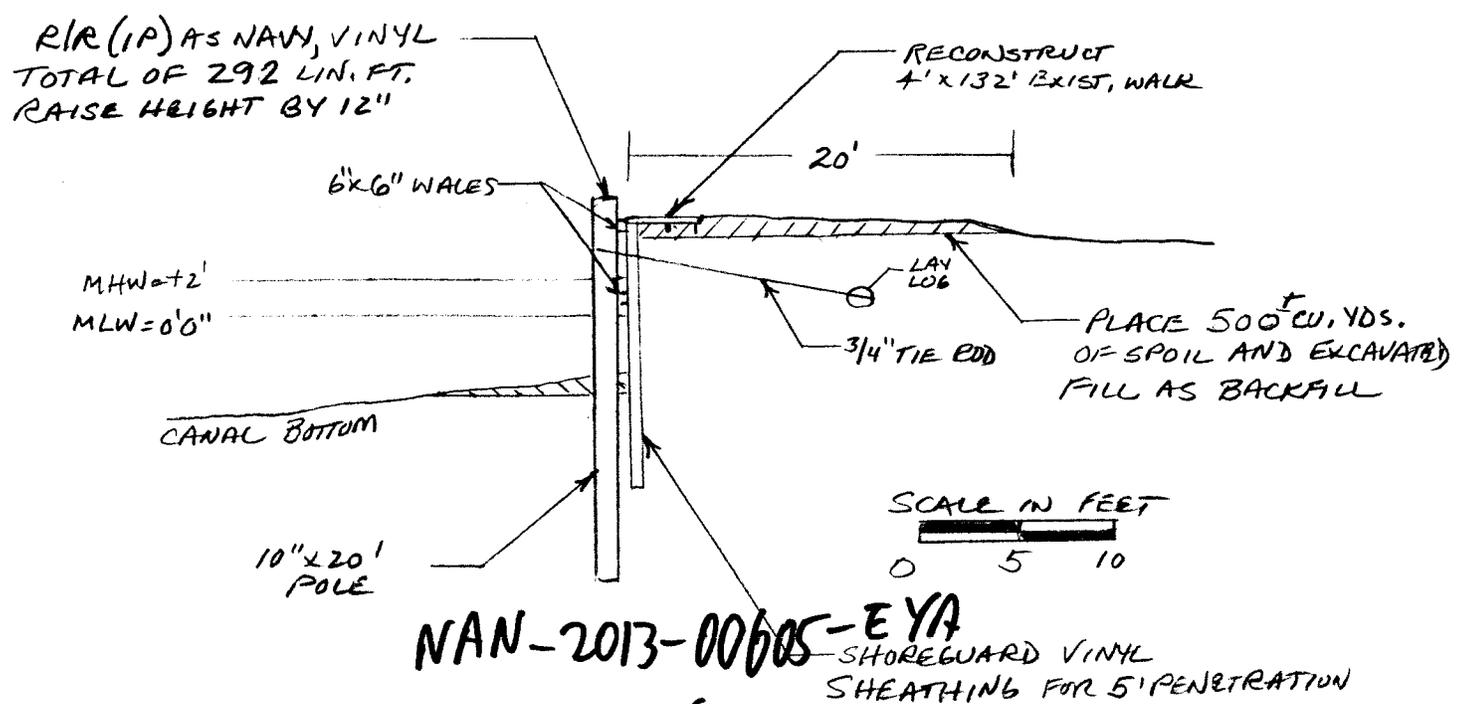
SHEET 2 OF 3  
 4/5/13

BY: OAK BEACH MARINE INC.  
 4220 OAK BEACH  
 OAK BEACH, NY 11702  
 631-422-0161

CROSS-SECTION THRU A:A



CROSS-SECTION THRU B:B



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