



# 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-2012-00580-EST  
Issue Date: January 28, 2013  
Expiration Date: February 27, 2013

---

**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).

**APPLICANT:** 78 Ventures, Ltd.  
c/o Michael Walrath  
151 Royston Lane  
Oyster Bay Cove, NY 11771

**ACTIVITY:** Maintenance dredging with bulkhead replacement.

**WATERWAY:** Lake Montauk

**LOCATION:** Village of Montauk, the Town of East Hampton, 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.

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 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.

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 Permit

In order for us to better serve you, please complete our Customer Service Survey located at: <http://per2.nwp.usace.army.mil/survey.html>.

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 may contact this office a (917) 790-8533 and ask for Leo Strogach.

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

  
Jodi M. McDonald  
Chief, Regulatory Branch

Enclosures

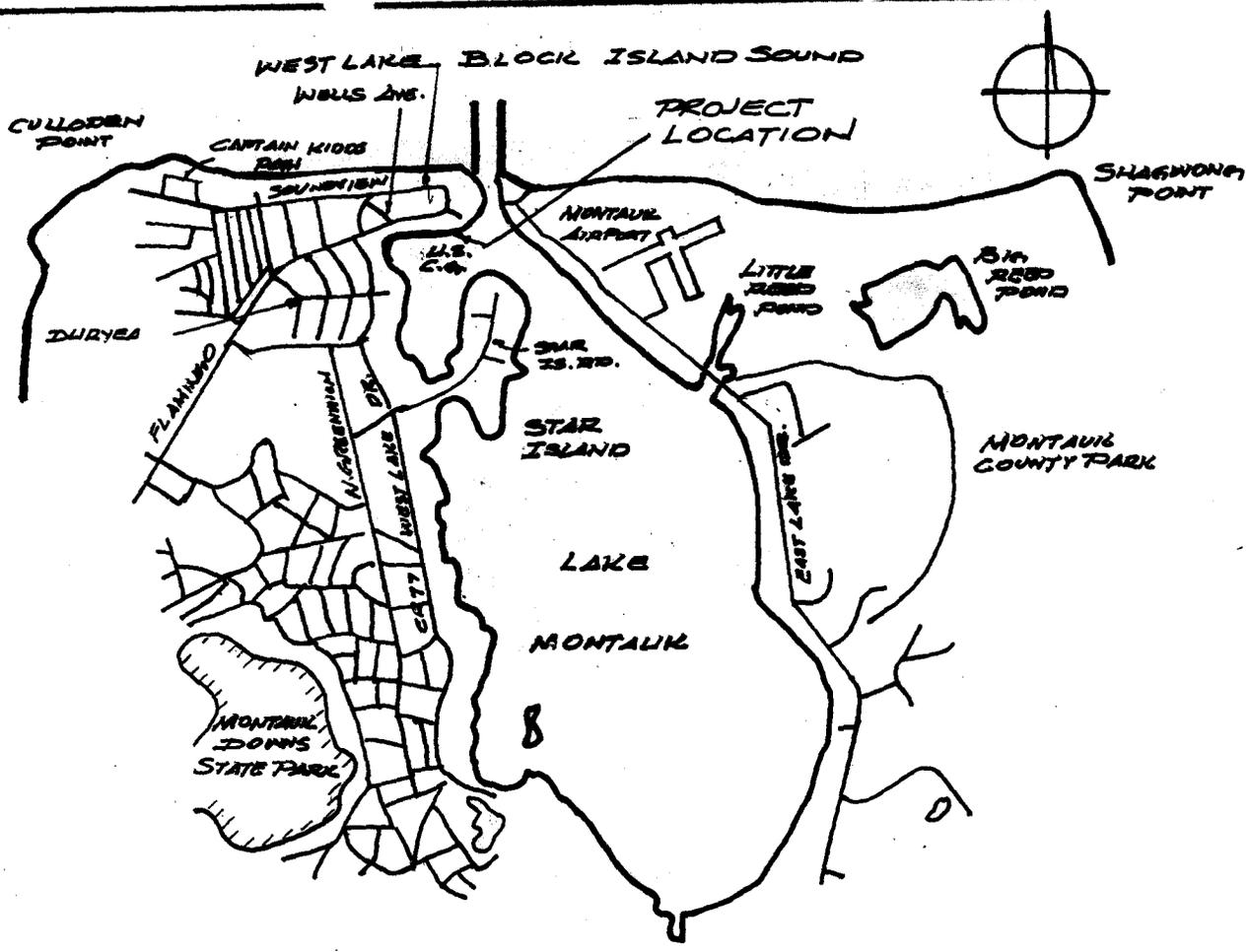
## WORK DESCRIPTION

The applicant, 78 Ventures, Ltd, has requested Department of the Army authorization for proposed bulkhead replacement and maintenance dredging of area in front of the bulkhead. The proposed project site is located in the Lake Montauk, in the Village of Montauk, the Town of East Hampton, Suffolk County, New York.

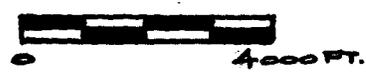
The work would involve: replacement in-place of a 100-foot-long existing bulkhead, a 5-foot-wide by 100-foot-long off-shore walkway, a 5-foot-wide by 5-foot-long access platform from bulkhead to dock; construction of two (2) 6-foot-long returns, a 5-foot-wide by 5-foot-long new access platform, and three (3) 3-foot-wide sets of stairways; maintenance dredging of a 10-foot-wide by 95-foot-long boat slip area to 4 feet below mean low water (MLW) elevation with removal of approximately 60 cubic yards of dredged material and its further placement behind the reconstructed bulkhead.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by employing silt curtains in the work area. Most of the impacts associated this project are temporary and would also be offset by implementing best management practices to minimize impacts.

The stated purpose of this project is to maintain interim of existing marine structures.



VICINITY MAP



PROPOSED: FOR PROPOSED WORK - SEE SHEET N: 2

ACCESS: BY WATER USING BARGE AND BY LAND THROUGH APPLICANTS PROPERTY

APPLICANT

70 VENTURES LTD.  
 C/O MIKE WALRATH  
 151 ROYSTON LANE  
 OYSTER BAY COVE, N.Y. 11771  
 474 WEST LAKE DRIVE  
 MONTAUK, N.Y. 11954  
 BCTM-300-6-3-7  
 JULY 9, 2012 JUNE 22, 2012 APR. 30, 2012

PREPARED BY:  
 CESTER MARINE CONTRACTING CORP.  
 P.O. Box 2124 GREENPORT, N.Y. 11944  
 (631) 477-1199

NOV. 16, 2012 AUG. 3, 2012  
 APR. 2012 - 00580-EST

PROPOSED

REMOVE EXISTING ON-SHORE WOODEN WALKWAY AND EXISTING WOODEN DECKING LANDWARD OF WALKWAY AS REQUIRED TO ALLOW FOR CONSTRUCTION. REMOVE EXISTING 5'x5'± ACCESS PLATFORMS FROM BULKHEAD TO DOCK AND FISHING BOATS ACCESS. REMOVE 100'± OF EXISTING BULKHEAD AND 5' WIDE OFF-SHORE WALKWAY. CONSTRUCT 100'± OF NEW BULKHEAD IN-PLACE. CONSTRUCT NEW 6' NORTH AND SOUTH BULKHEAD RETURNS. CONSTRUCT 100'± OF NEW 5' WIDE OFF-SHORE WALKWAY IN-PLACE. CONSTRUCT NEW 5'x5'± ACCESS PLATFORM FROM BULKHEAD TO DOCK AND NEW 5'x5' ACCESS PLATFORM WITH CROSS OVER STAIRS FOR FISHING BOATS ACCESS IN PLACE OF THOSE REMOVED. CONSTRUCT 3 NEW 3' WIDE SETS OF STAIRWAYS FROM BULKHEAD TO OFFSHORE WALKWAY. REPLACE ON SHORE WOODEN WALKWAY AND EXISTING WOODEN DECKING REMOVED-IN PLACE.

DREDGE AN AREA 95' x 10' IMMEDIATELY SEAWARD OF BULKHEAD AND BELOW WOODEN WALKWAY AREA TO -4.0' BELOW MEAN LOW WATER REMOVING APPROX. 60± CU. YD'S OF SEDIMENT. DREDGED SEDIMENT TO BE PLACED AS BACK-FILL LANDWARD OF NEW BULKHEAD.

APPLICANT

78 VENTURES LTD.  
910 MIKE WALRATH  
151 ROYSTON LANE  
OYSTER BAY COVE, N.Y. 11771  
474 WEST LAKE DRIVE  
MONTAUK, N.Y. 11954  
JCTM-300-G-3-7

PREPARED BY:

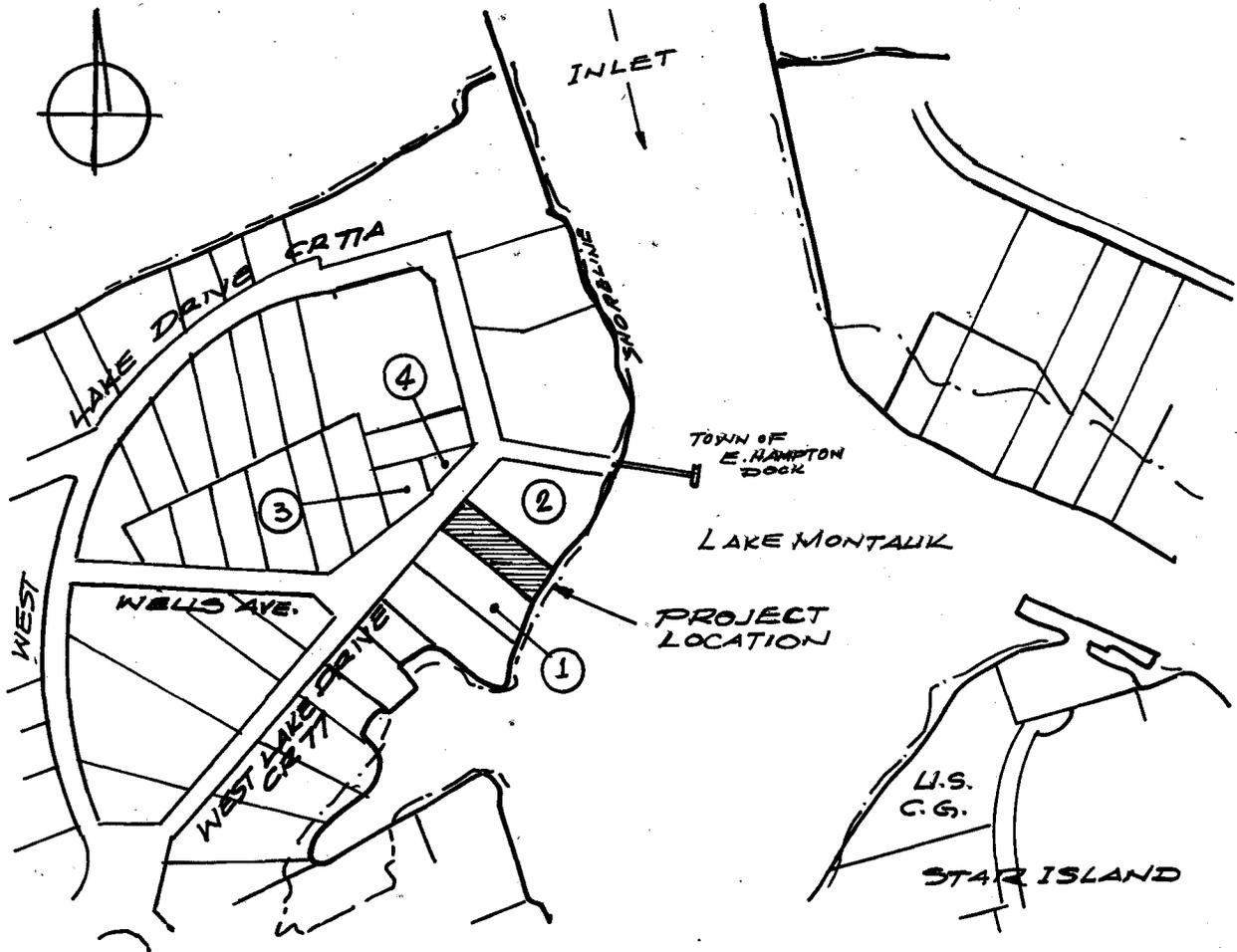
COSTELLO MARINE CONTRACTING CORP.  
P.O. Box 2124 GREENPORT, N.Y. 11944  
(609) 477-1199

JULY 9, 2012 JUNE 22, 2012 APR. 30, 2012

NOV. 16, 2012 AUG. 3, 2012

NOV 17 2012 - 0058V-EGT

SHEET 2 OF 7



**LOCATION MAP**  
 0 400 FT.  
 41° 04' 28" N 71° 56' 16" W

**ADJACENT PROPERTY OWNERS:**

- |  |  |
|--|--|
| <p>① GRACELAND III LLC<br/>       BRIAN OBERGFELL<br/>       EMMET, MARVIN + MARTIN LLC<br/>       120 BROADWAY<br/>       NEW YORK, N.Y. 10271<br/>       470 WEST LAKE DRIVE</p> | <p>③ FRANCARL REALTY CORP<br/>       462 WEST LAKE DRIVE<br/>       MONTAUK, N.Y. 11954<br/>       471 WEST LAKE DRIVE</p> |
| <p>② MONTAUK EAST LP<br/>       P.O. BOX 910<br/>       MONTAUK, N.Y. 11954<br/>       478 WEST LAKE DRIVE</p>   | <p>④ CHIMPOUKCHIS FAMILY LLC<br/>       P.O. BOX 666<br/>       MONTAUK, N.Y. 11954<br/>       479 WEST LAKE DRIVE</p>     |

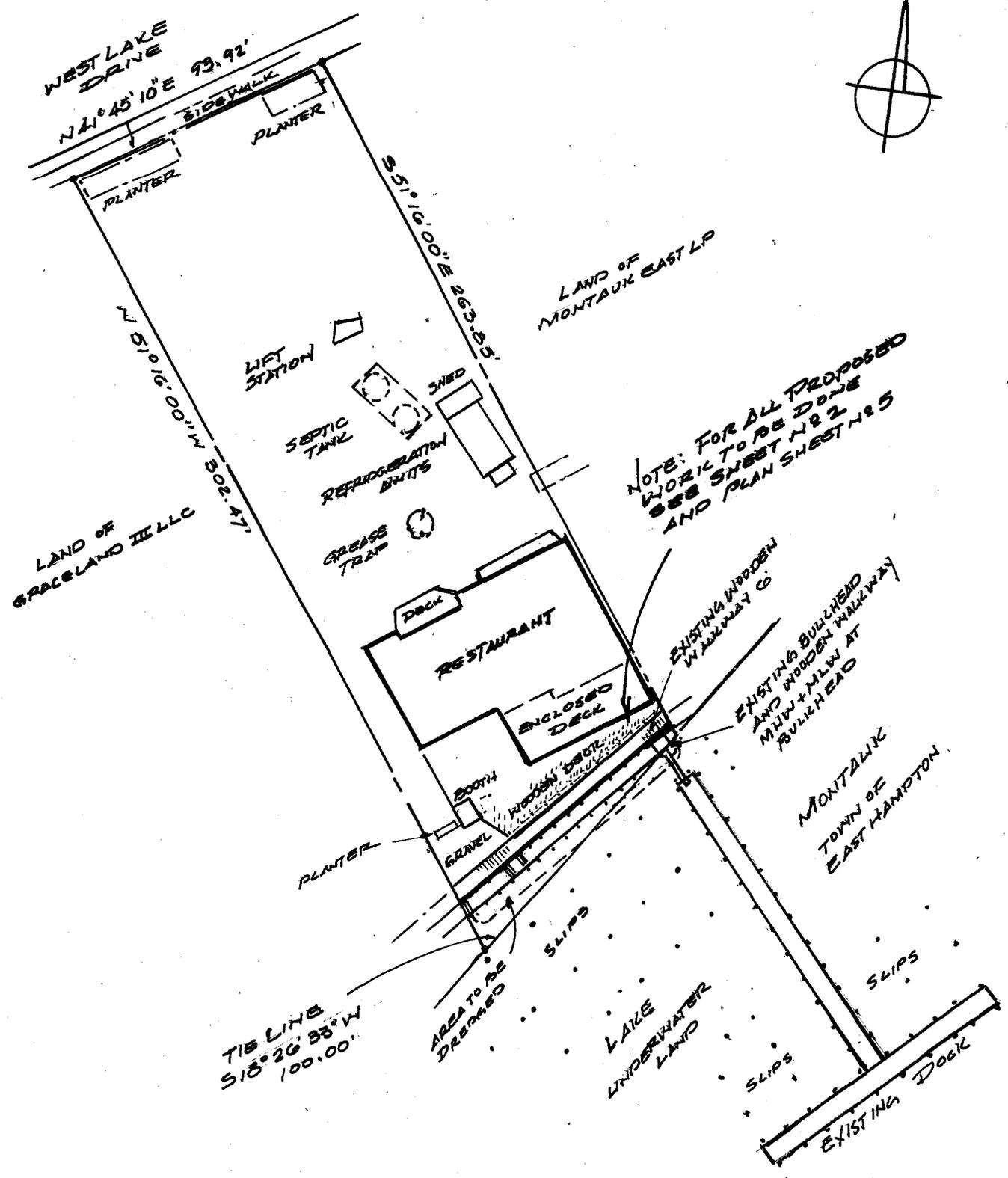
**APPLICANT**

78 VENTURES LTD.  
 910 MIKE WALRATH  
 151 ROYSTON LANE  
 OYSTER BAY COVE, N.Y. 11771  
 474 WEST LAKE DRIVE  
 MONTAUK, N.Y. 11954  
 SCTM-300-6-3-7

**PREPARED BY:**  
 COSTELLO MARINE CONTRACTING CORP.  
 P.O. Box 2124 GREENPORT, N.Y. 11944  
 (609) 477-1199

JULY 9, 2012 JUNE 22, 2012 APR. 30, 2012

NOV. 16, 2012 AUG. 3, 2012  
 RUDOLPH W. TAIT, D.A.S.P.O.-E.S.T.



WESTLAKE DRIVE  
 N41°45'10"E 93.92'

LAND OF GRACELAND III LLC  
 N51°16'00"W 802.47'

LAND OF MONTAUK EAST LP

NOTE: FOR ALL PROPOSED WORK TO BE DONE SEE SHEET N22 AND PLAN SHEET N25

MONTAUK TOWN OF EAST HAMPTON

TIE LINE  
 S18°26'33"W  
 100.00'

**SITE**  
 0 50 FT.

**APPLICANT**

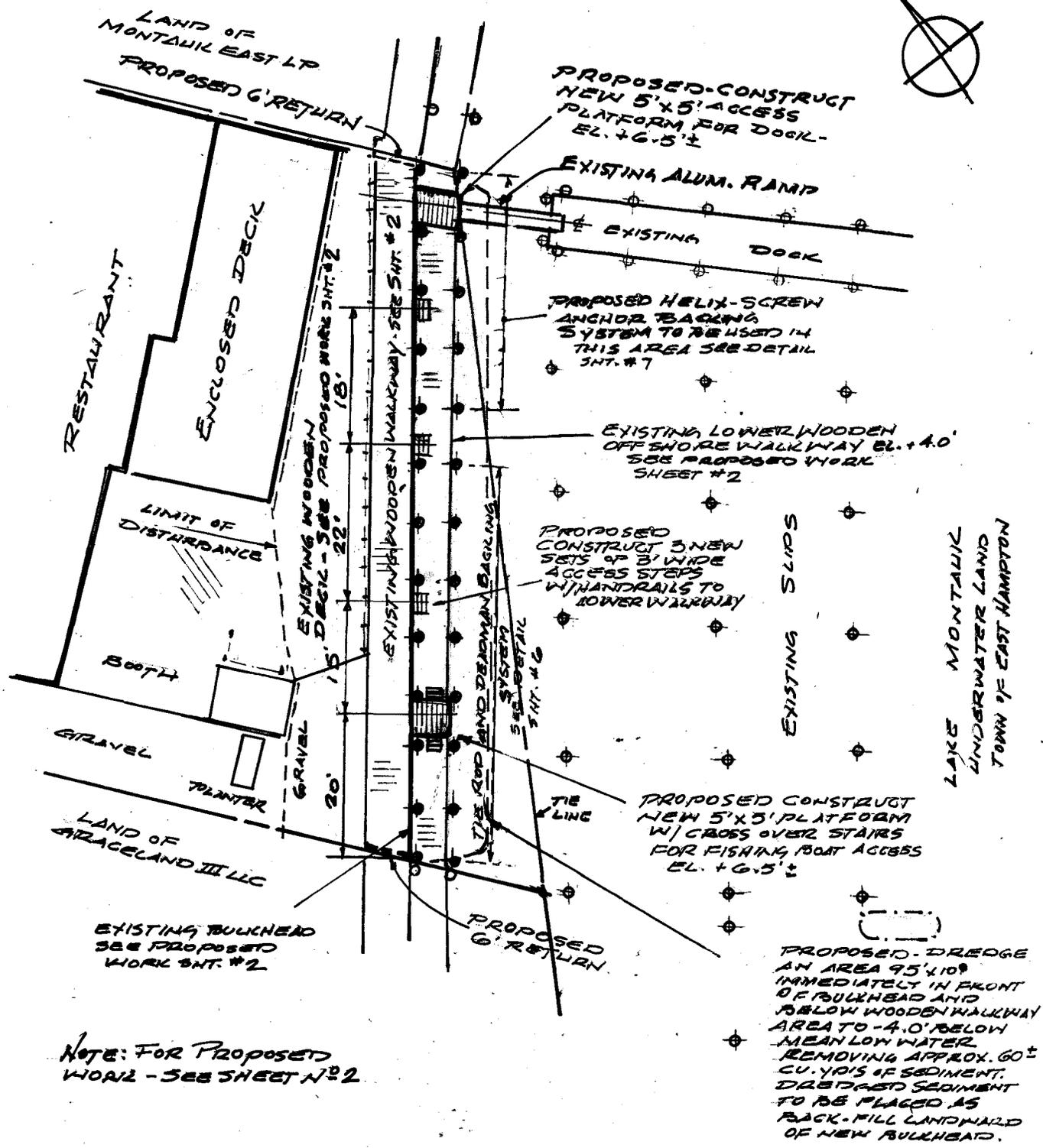
78 VENTURES LTD.  
 90 MIKE WALRATH  
 151 ROYSTON LANE  
 OYSTER BAY COVE, N.Y. 11771  
 474 WEST LAKE DRIVE  
 MONTAUK, N.Y. 11954  
 SCTM-300-G-3-7  
 JULY 9, 2012 JUNE 22, 2012 APR. 30, 2012

**PREPARED BY:**  
 COSTAUX MARINE CONTRACTING CORP.  
 P.O. Box 2124 GREENPORT, N.Y. 11944  
 (631) 477-1199

NOV. 16, 2012 AUG. 3, 2012

AMM 12 2012 - 00580 - FSA

SHEET 4 OF 7



NOTE: FOR PROPOSED WORK - SEE SHEET N°2



PREPARED BY:  
 COSTELLO MARINE CONTRACTING CORP.  
 P.O. Box 2124 GREENPORT, N.Y. 11944  
 (631) 477-1199

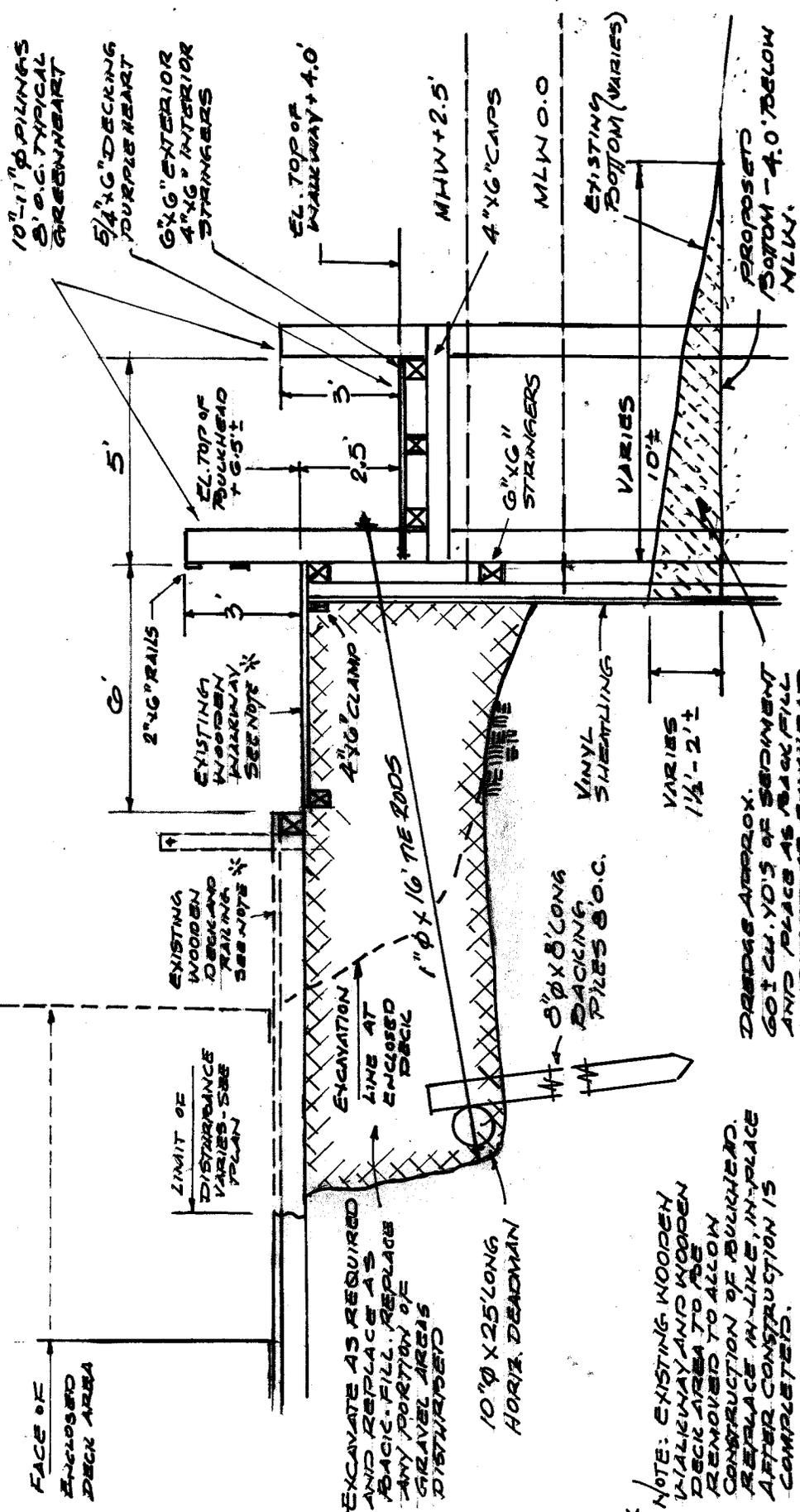
APPLICANT  
 78 VENTURES LTD.  
 610 MIKE WALRATH  
 151 ROYSTON LANE  
 OYSTER BAY COVE, N.Y. 11771  
 474 WEST LAKE DRIVE  
 MONTAUK, N.Y. 11954  
 SCTM-300-6-3-7

JULY 9, 2012 JUNE 22, 2012 APR. 30, 2012

NOV. 16, 2012 AUG. 3, 2012

Amel D 2017 - 00580 - EST

SHEET 5 OF 7



**DETAIL-OFFSHORE WALKWAY + BULKHEAD**

TIE ROD + DEADMAN BACKING

**APPLICANT**

78 VENTURES LTD.  
 610 MIKE WALRATH  
 151 ROYSTON LANE  
 OYSTER BAY COVE, N.Y. 11771  
 474 WESTLARK DRIVE  
 MONTAUK, N.Y. 11954  
 SCTM-300-0-3-7

APR. 30, 2012 JUNE 22, 2012 JULY 9, 2012 AUG. 3, 2012 NOV. 16, 2012



NOTE: EXISTING BULKHEAD AND OFFSHORE WALKWAY TO BE REMOVED COMPLETELY

DEBIDS APPROX. 60 TON YDS OF SEDIMENT AND PLACE AS BACKFILL LANDWARD OF BULKHEAD

\* NOTE: EXISTING WOODEN WALKWAY AND WOODEN DECK AREA TO BE REMOVED TO ALLOW CONSTRUCTION OF BULKHEAD. REPLACE IN-LIKE, IN-PLACE AFTER CONSTRUCTION IS COMPLETED.

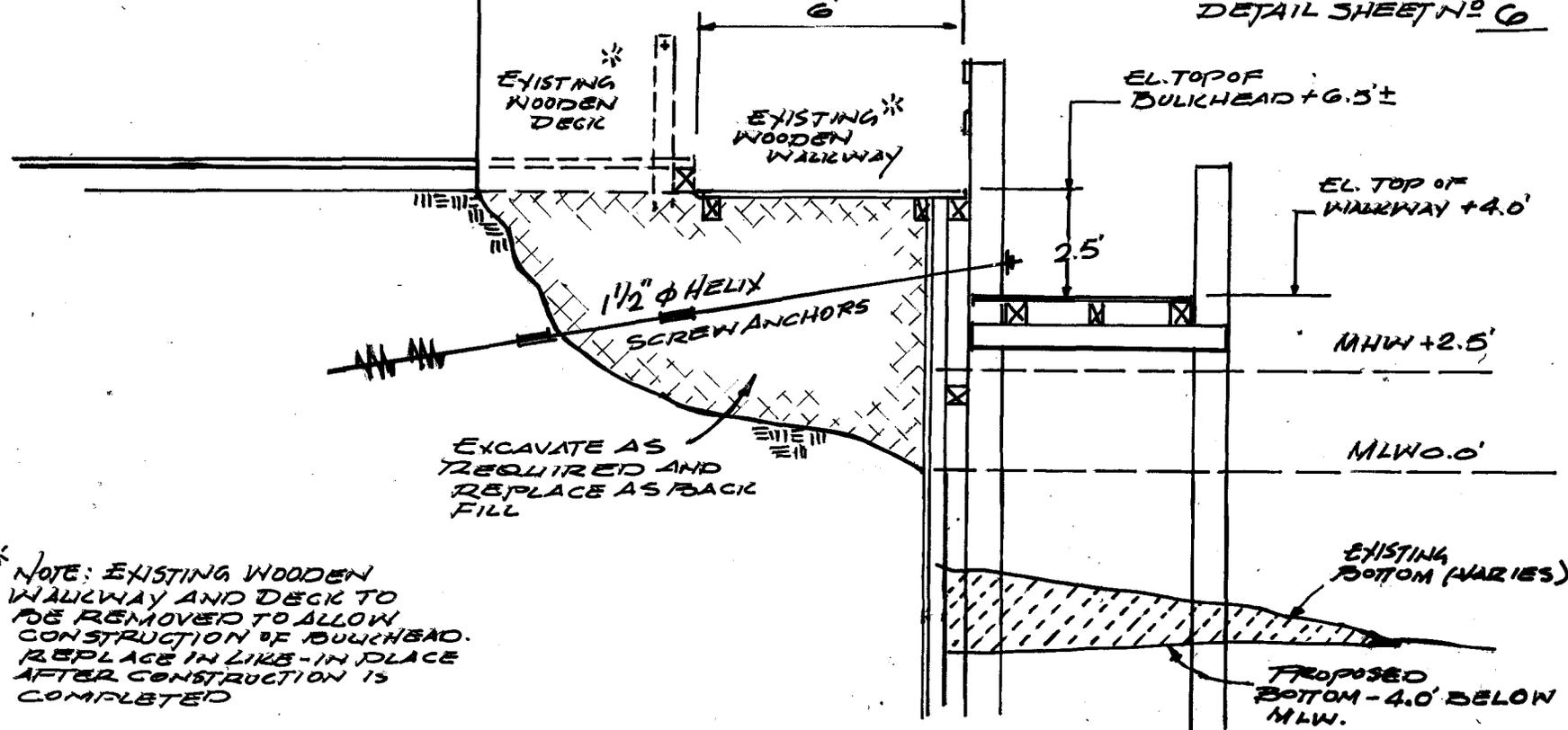
**PREPARED BY:**

COSTELLO MARINE CONSULTING CORP.  
 P.O. BOX 2134 GREENPORT, N.Y. 11944  
 (609) 477-1177

APR 30 2012 2012-05-01-131 SHEET 7 OF 7

FACE OF ENCLOSED DECK DO NOT DISTURB  
LIMIT OF DISTURBANCE VARIES 11' TO 16' 2" SEE PLAN  
6'

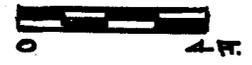
FOR BALANCE OF DETAIL - SEE DETAIL SHEET NO. 6



EXCAVATE AS REQUIRED AND REPLACE AS BACK FILL

\* NOTE: EXISTING WOODEN WALKWAY AND DECK TO BE REMOVED TO ALLOW CONSTRUCTION OF BULKHEAD. REPLACE IN LIKE-IN PLACE AFTER CONSTRUCTION IS COMPLETED

**DETAIL-OFFSHORE WALKWAY + BULKHEAD**  
HELIX-SCREW ANCHOR BACKING



**APPLICANT**

78 VENTURES LTD.  
610 MIKE WALKRATH  
151 ROYSTON LANE  
OYSTER BAY COVE, N.Y. 11771  
474 WEST LAKE DRIVE  
MONTAUK, N.Y. 11954  
SCM-300-6-3-7

**PREPARED BY:**  
COSTELLO MARINE CONTRACTING CORP.  
P.O. BOX 2124 GREENPORT, N.Y. 11944  
(609) 477-1199

APR. 30, 2012 JUN 22, 2012 JULY 9, 2012 AUG. 3, 2012 NOV. 16, 2012