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-2013-00461-EBO
Issue Date: June 3, 2013
Expiration Date: July 3, 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) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Timothy Gomes
225 Edwards Avenue
Sayville, New York 11782

ACTIVITY: Installation of new retaining wall and bank stabilization.

WATERWAY: Great South Bay

LOCATION: Hamlet of Sayville, 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.

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.

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 occur. 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, 41 State Street, 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

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 at (917) 790-8516 and ask for Leslie Bowles-Early.

In order for us to better serve you, please complete our Customer Service Survey located at: http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?survey.

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

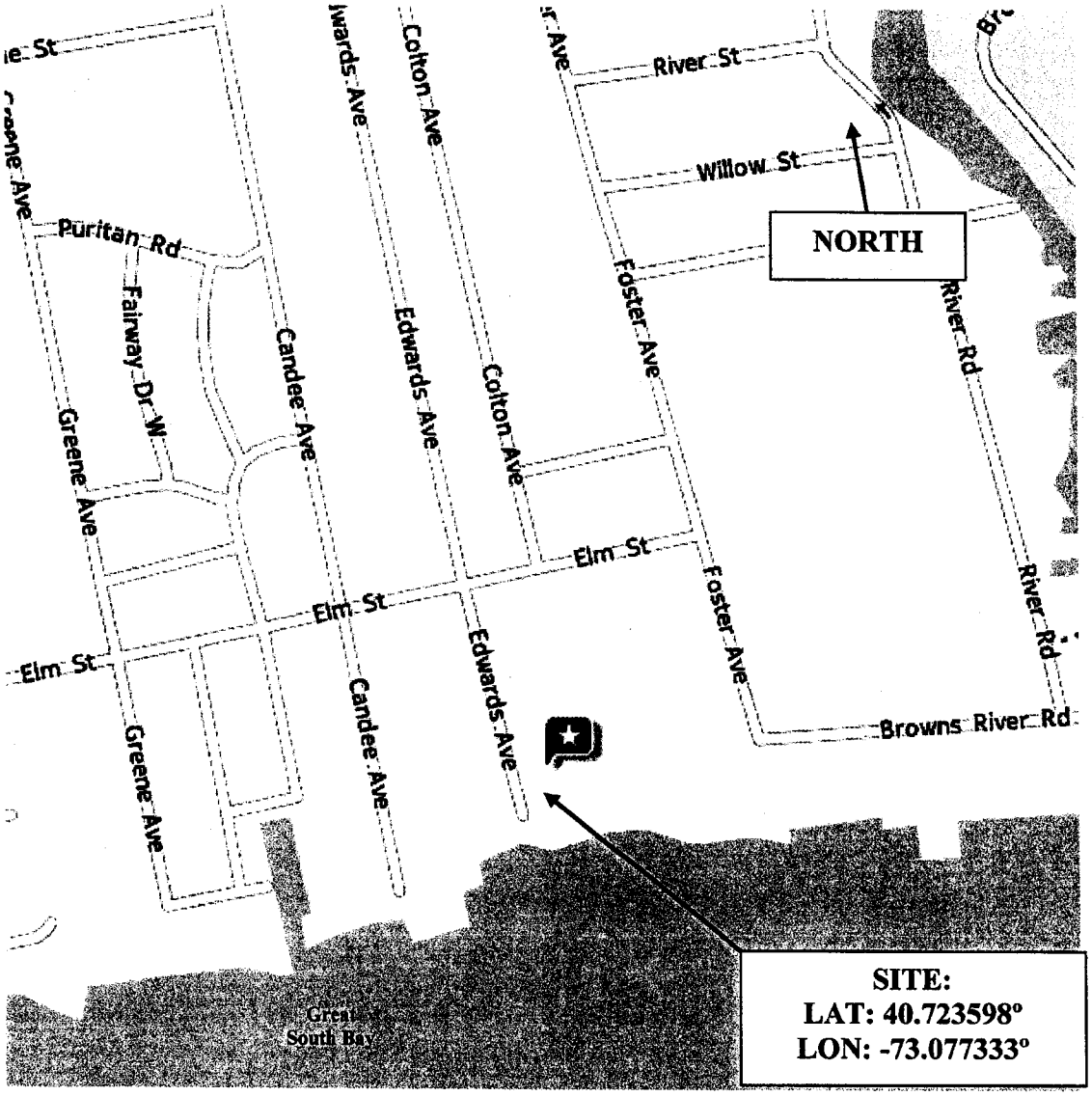
WORK DESCRIPTION

The applicant, Timothy Gomes, has requested Department of the Army authorization for the installation of a new retaining wall and bank stabilization with riprap in Great South Bay, Hamlet of Sayville, Town of Islip, Suffolk County, New York.

The work would involve: the repair of approximately 95 feet of existing storm damaged revetment by adding approximately 125 cubic yards of clean riprap at, or below the mean high water. There will also be the installation of an approximately 90 foot low profile wood/vinyl retaining wall landward of mean high water with a 20-foot return on the east and for backfill, the placement of approximately 100 cubic yards of clean fill on the landward side of the retaining wall.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by stabilizing the bank. Most of the impacts associated with this project are temporary and would be offset by implementing best management practices to minimize impacts.

The stated purpose of this project is to stabilize the shoreline after damage from Superstorm Sandy.



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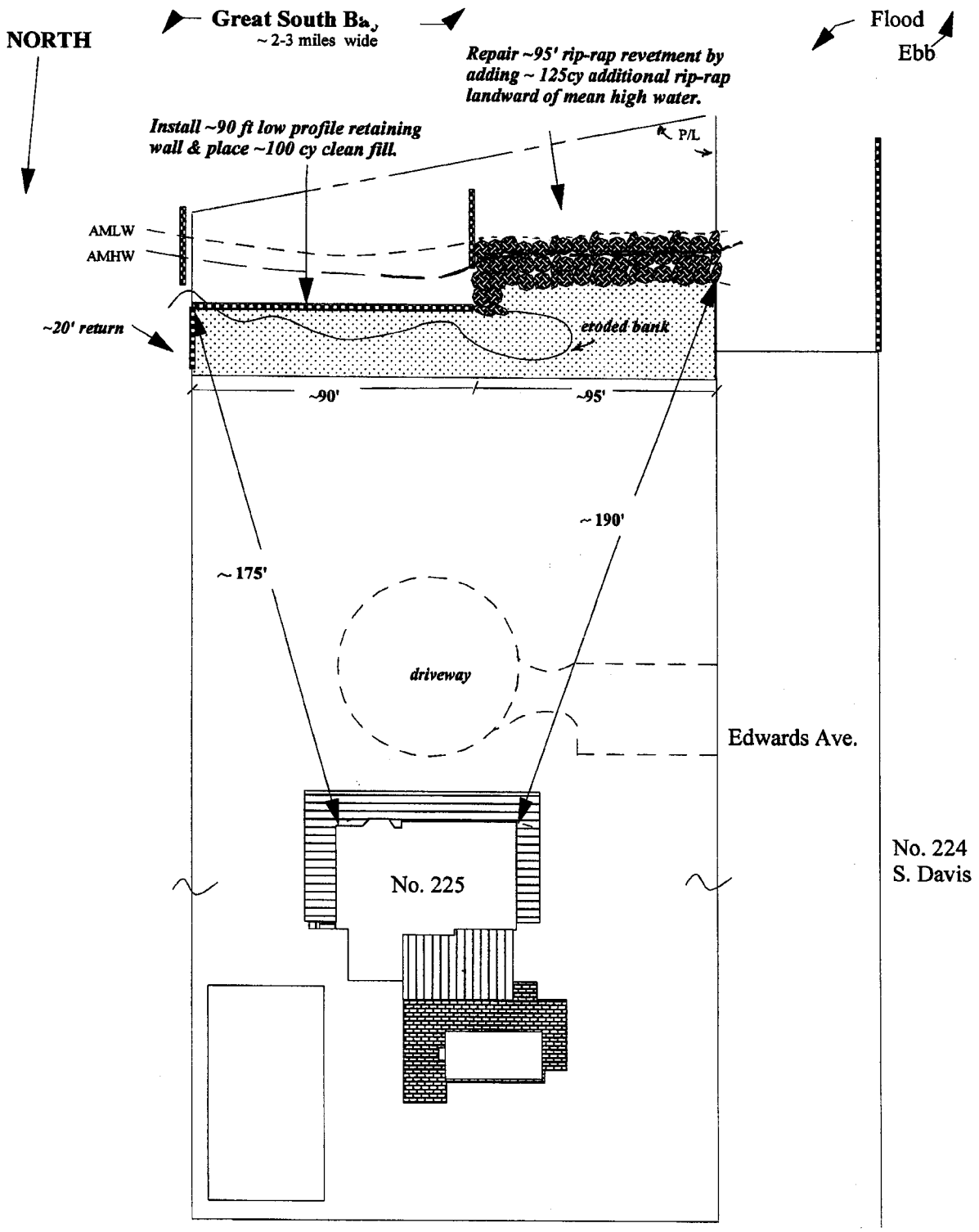
PROPOSED RETAINING WALL AND RIP-RAP REPAIR

T. GOMES
225 EDWARDS AVE
OCEANSIDE, NY



Applicant: Timothy Gomes
225 Edwards Ave
Sayville, NY 11782

SCTM: Dist: 0204 Sec 431 Blk 4 Lot 2.3

Datum: Mean Low Water

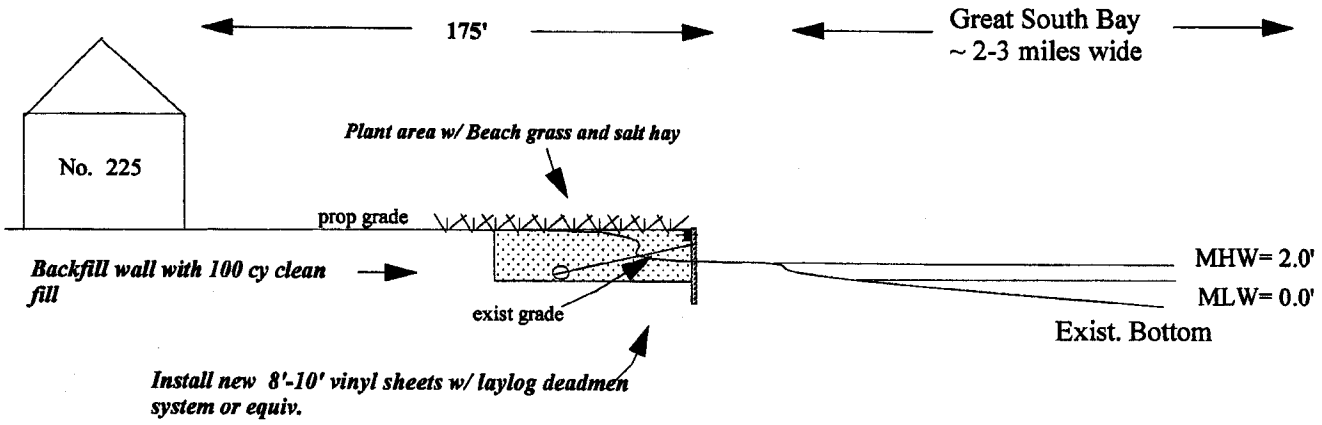
Scale: One Inch = Fifty Feet

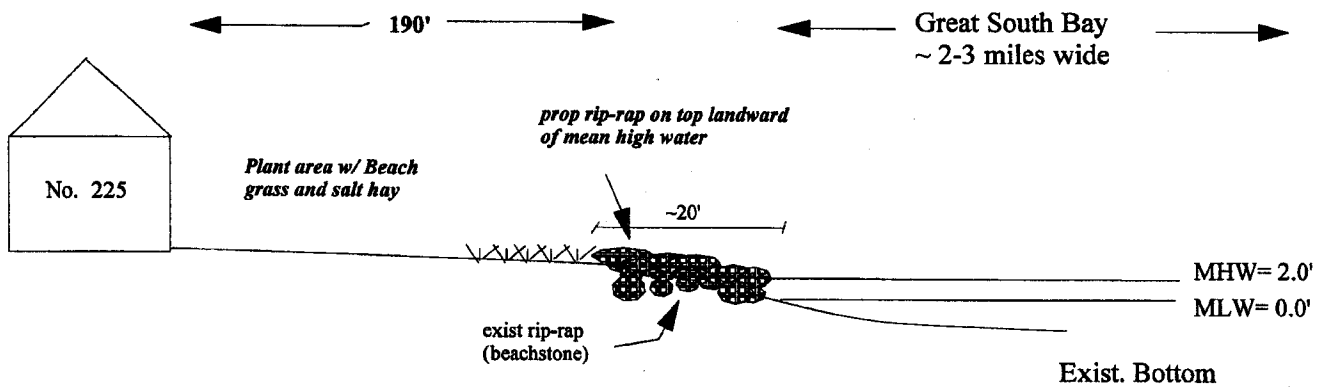
Proposed retaining wall/rip-rap repair in Great South Bay, New York

Appl. By: Ocean Consulting
262 Weidner Ave.
Oceanside, NY 11572
(516) 764-8534

Date: 16-APR-13 PAGE 2 of 3

USACE APPLICATION # NAN-2013-00461-EBO





Notes:

All timber material CCA & Hardware hot-dip galv.

Not detailed for construction. Contractor to determine all materials specifications and dimensions in the field prior to construction

Applicant: **Timothy Gomes**
225 Edwards Ave
Sayville, NY 11782

Purpose: Shoreline stabilization

SCTM: Dist: 0204 Sec 431 Blk 4 Lot 2.3

Scale: Not to Scale

Proposed retaining wall/rip-rap repair in Great South Bay, New York

At: Sayville, NY

Appl. By: Ocean Consulting
262 Weidner Ave.
Oceanside, NY 11572
(516) 764-8534

Date: 16-APR-13 PAGE 3 of 3