



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-2013-00537-EMN
Issue Date: May 29, 2013
Expiration Date: June 28, 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: Tina Lieberman
41 Forest Road
Tenefly, New Jersey 0767

ACTIVITY: Construction of a new 4-foot wide by 50-foot long dock, minor beach restoration

WATERWAY: Moriches Bay

LOCATION: Village of Westhampton Beach, Town of Southampton, 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 life stages 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
- New York State Department of State

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) 790-8511 and ask for Shannon K. McNamara.

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

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 fluid and cursive, with a large initial "J" and "M".

For and in behalf of

Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Tina Lieberman, has requested Department of the Army authorization for construction of a 4-foot wide by 50-foot long new dock with a ladder at the seaward end and placement of 200 cubic yards of clean sand fill, in Moriches Bay, Village of Westhampton Beach, Town of Southampton, Suffolk County, New York.

The work would involve: construction of a 4-foot wide by 50-foot long new dock with a ladder at the seaward end, and placement of 200 cubic yards of clean sand fill immediately landward of the Mean High Water Line, which will be planted with beach grass on 12-inch centers.

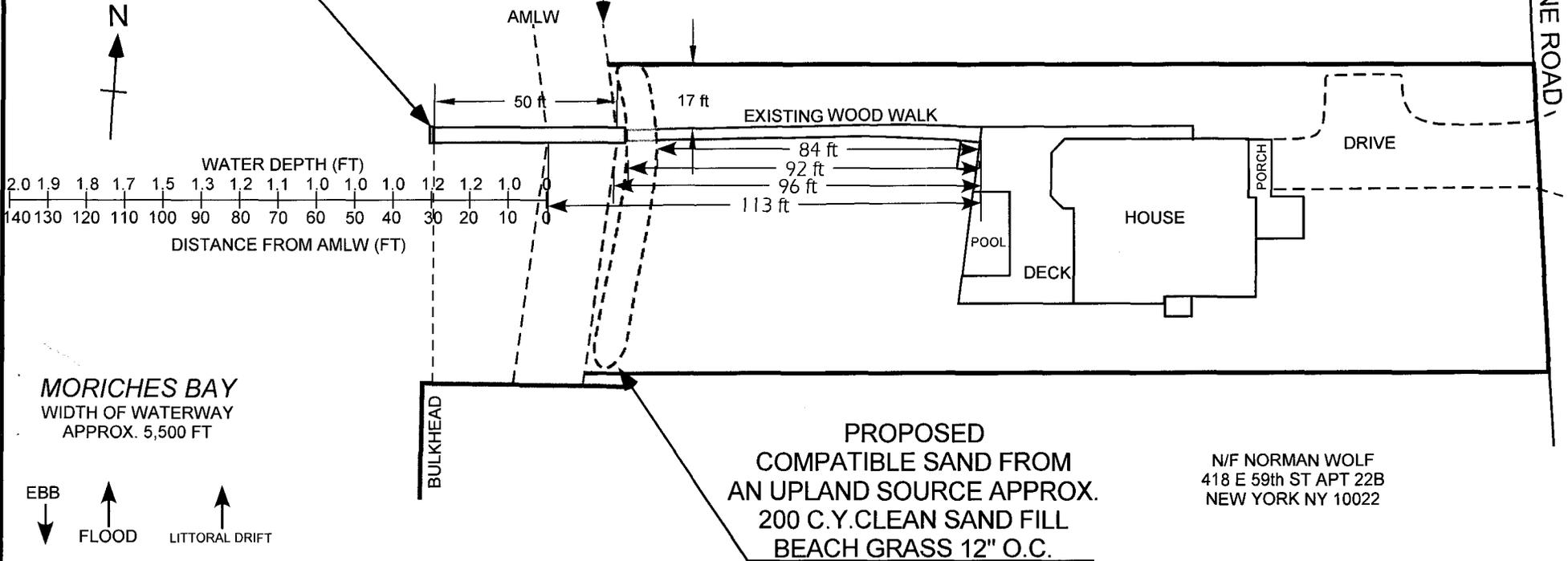
The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by: limiting construction to the smallest area practicable; use of vegetated shoreline protection in lieu of hardening shoreline.

The stated purpose of this project is to provide recreational access to Moriches Bay and stabilize the shoreline.

PROPOSED 4' x 50' DOCK WITH LADDER

AMHW & TIDAL WETLANDS LINE
per ARAM TERCHUNIAN -
FIRST COASTAL CORP.
01-31-2013

N/F DUNE ROAD
BEACH SHACK LLC
c/o MICHAEL GUNZBURG
110 E 59th ST 25t FL
NEW YORK NY 10022



MORICHES BAY
WIDTH OF WATERWAY
APPROX. 5,500 FT

PROPOSED
COMPATIBLE SAND FROM
AN UPLAND SOURCE APPROX.
200 C.Y. CLEAN SAND FILL
BEACH GRASS 12" O.C.

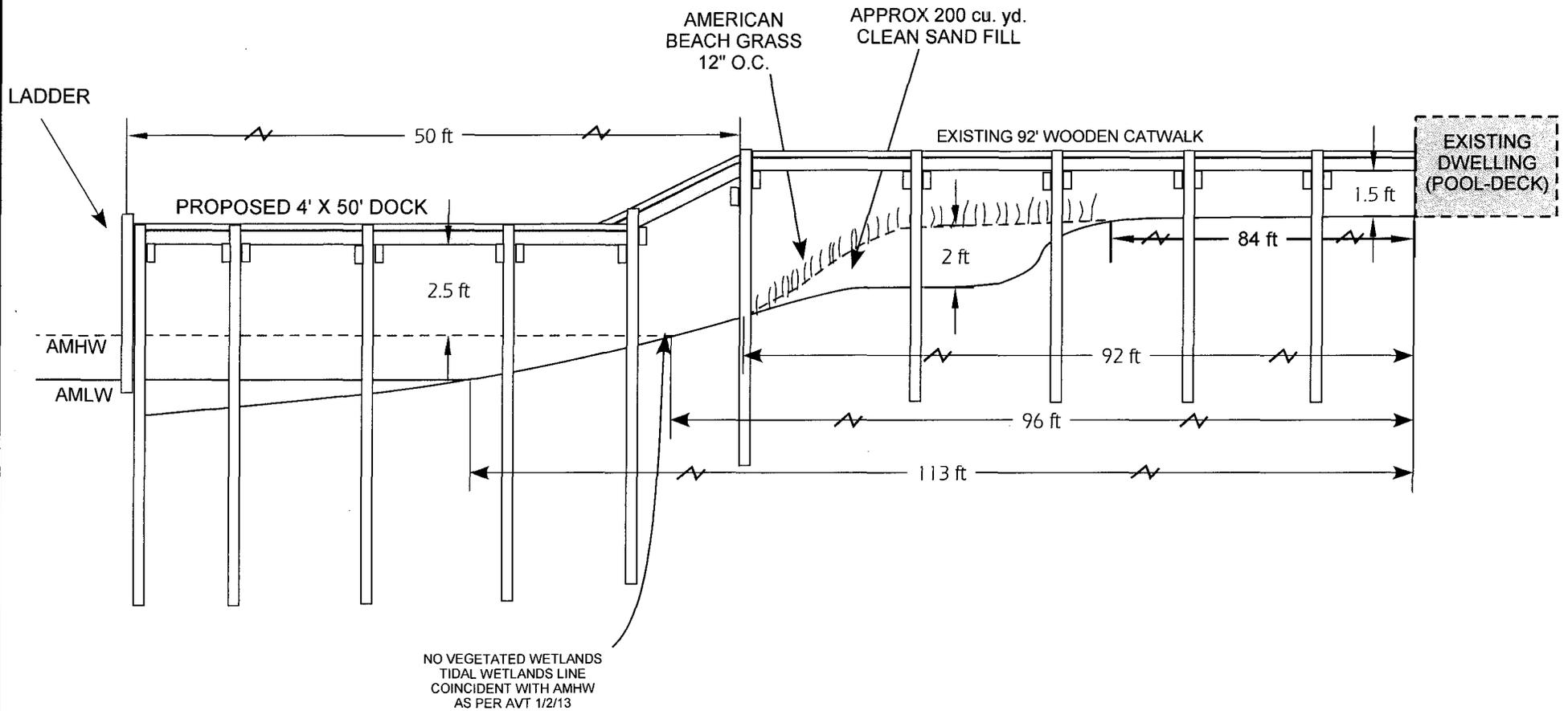
N/F NORMAN WOLF
418 E 59th ST APT 22B
NEW YORK NY 10022

***ALL TIMBER WILL BE UNTREATED**

REVISIONS	DATE	FIRST Coastal corporation		P.O. Box 1212, 4 Arthur Street Westhampton Beach, N.Y. 11978 (631)288-2271; fax (631)288-8949		LIEBERMAN PROPERTY 646 DUNE RD. WESTHAMPTON NY SCTM # 0900-391-01-24
		Drawing No.:	DOCK- Cross1	SCALE:		
		Date:	05/01/13	Drawn By:	BRS	
				Sheet No.:	2 OF 5	

DETAILED CROSS SECTION OF SHORELINE RESTORATION

SCALE 1"=5'

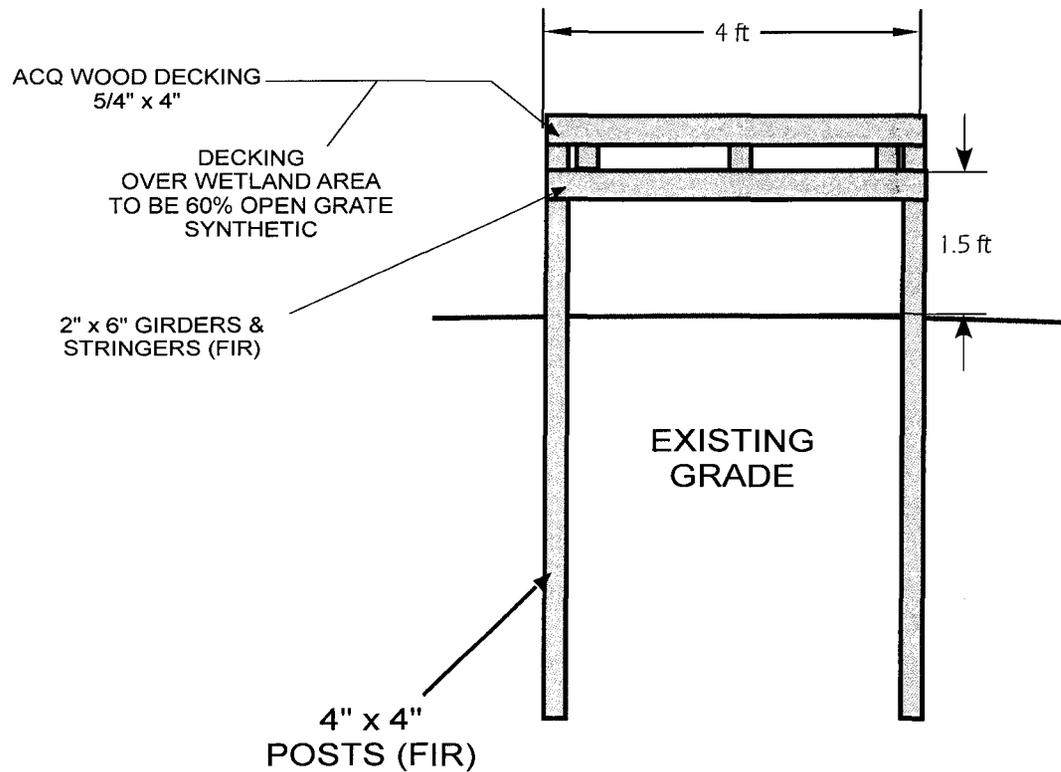


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		Drawing No.: DOCK- Cross2	SCALE:	
		Date: 05/01/13	Drawn By: BRS	Sheet No: 3 OF 5

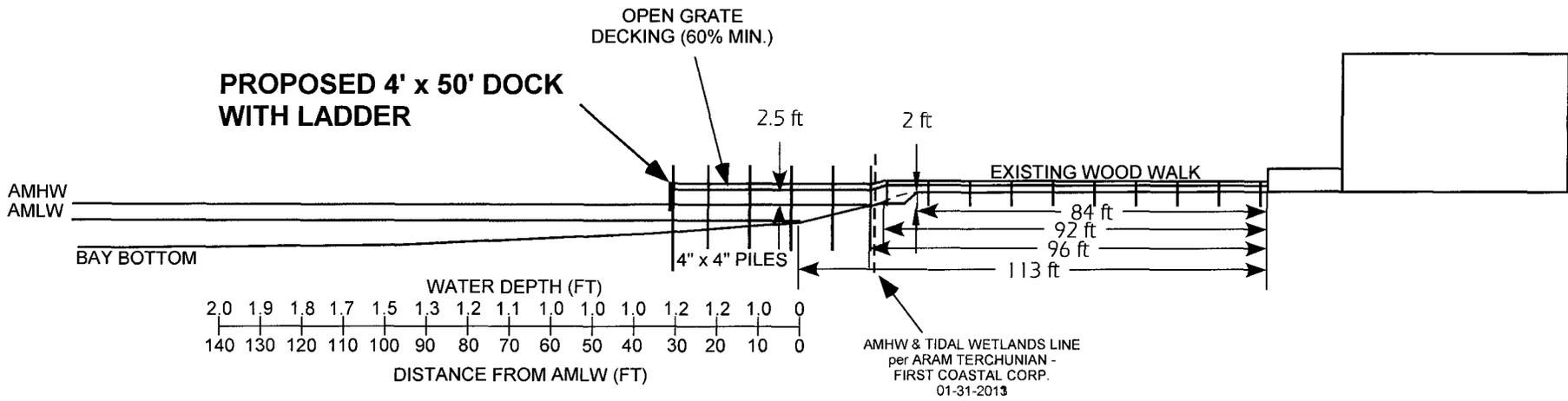
WALKWAY CROSS SECTION
IN-LINE VIEW

SCALE 1" = 2'



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		Drawing No.:	DOCK- Cross3	SCALE:	1" = 2'		
		Date:	05/01/13	Drawn By:	BRS	Sheet No.:	4 OF 5



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		Drawing No.:	DOCK- Cross4	SCALE:		
		Date:	05/01/13	Drawn By:	BRS	
				Sheet No:	5 OF 5	