



# 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-2012-01343-EST  
Issue Date: 13 May 2013  
Expiration Date: 12 June 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:** Vito Montalto  
76-03 Caldwell Ave  
Middle Village, NY 11379

**ACTIVITY:** Stabilization of eroding shoreline.

**WATERWAY:** Moriches Bay

**LOCATION:** Village of Westhampton Beach, the 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 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 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:

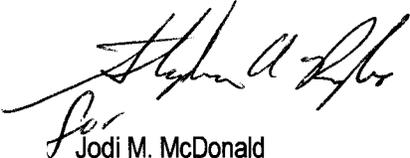
- New York State Department of Environmental Conservation Permit

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.

CENAN-OP-RE  
PUBLIC NOTICE NO.NAN-2012-01343-EST

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, Vito Montalto, has requested Department of the Army authorization for stabilization of eroding shoreline by constructing rip-rap around the property and installation of floating dock facility. The proposed project site is located in Moriches Bay, in the Village of Westhampton Beach, the Town of Southampton, Suffolk County, New York.

The work would involve: Cut 6 inches below mean high water (MHW) approximately 97 linear feet of existing bulkhead; remove 12-foot-long and 14-foot-long returns; re-sheath a 28-foot-long existing functional bulkhead on landward side; install an estimated 25 cubic yards of triangular shaped 500-1,000 lb native boulders to form a 130-foot-long rip-rap stabilizing existing bulkhead on landward side; place 25 cubic yards of clean behind the rip-rap line (a total of 50 cubic yards of fill would be placed behind the bulkhead below spring high water (SHW) elevation). Construct a 4-foot-wide by 38-foot-long fixed catwalk supported by 6"x 6" posts with a 3-foot-wide by 14-foot-long ramp and a 6-foot-wide by 20-foot-long float supported by three (3) 8-inch-diameter piles.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by stabilizing the eroding shoreline. 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 shoreline stabilization.

# Montalto – Westhampton Beach



Quadrangle: Eastport

Land Use Ecological Services, Inc.  
 570 Expressway Drive South, Suite 2F  
 Medford, NY 11763  
 Tel. 631-727-2400 Fax. 631-727-2605

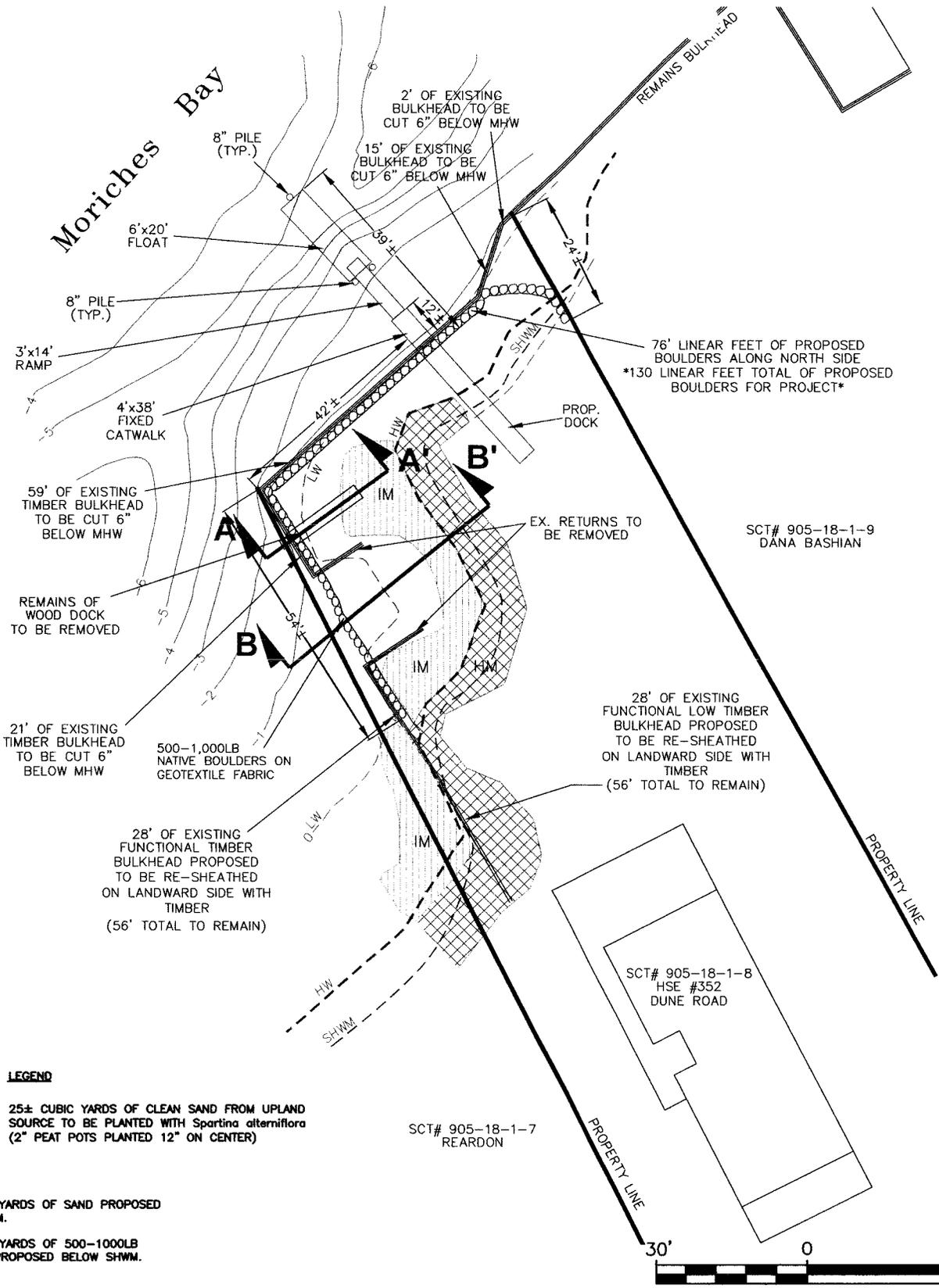
Location map taken from Suffolk County Atlas, Geographia

Lat: 40 47 33.66" N  
 Long: 72 39' 37.02" W

*Map A 2012-01343-EST*



Moriches Bay



**LEGEND**

 25± CUBIC YARDS OF CLEAN SAND FROM UPLAND SOURCE TO BE PLANTED WITH *Spartina alterniflora* (2" PEAT POTS PLANTED 12" ON CENTER)

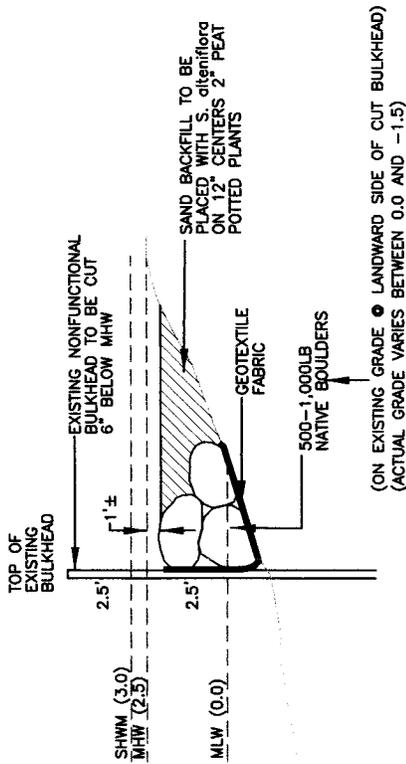
NOTES:  
25± CUBIC YARDS OF SAND PROPOSED BELOW SHWM.

25± CUBIC YARDS OF 500-1000LB BOULDERS PROPOSED BELOW SHWM.



PREPARED FOR: <b>MONTALTO</b> AT: <b>352 DUNE ROAD</b> <b>WESTHAMPTON BEACH, NY</b>	TITLE: <p style="text-align: center;"><b>SITE PLAN</b></p>												
<b>LAND USE ECOLOGICAL SERVICES, INC</b> 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400	<table border="1"> <tr> <td>Compiled by: C.B.</td> <td>Date: AUG 29, 2012</td> <td>TAX MAP#:</td> </tr> <tr> <td>Prepared by: R.K.</td> <td>Scale: AS SHOWN</td> <td>905-18-1-8</td> </tr> <tr> <td>Project Mgr: C.B.</td> <td>File: MONTALTO</td> <td></td> </tr> <tr> <td colspan="2">11-8-12, 11-30-12, 12-3-12, 1-29-13, 03-13-13, 03-21-13, 03-27-13</td> <td>DRAWING NO. <b>1 OF 2</b></td> </tr> </table>	Compiled by: C.B.	Date: AUG 29, 2012	TAX MAP#:	Prepared by: R.K.	Scale: AS SHOWN	905-18-1-8	Project Mgr: C.B.	File: MONTALTO		11-8-12, 11-30-12, 12-3-12, 1-29-13, 03-13-13, 03-21-13, 03-27-13		DRAWING NO. <b>1 OF 2</b>
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*APP 2012-00343-ESA*

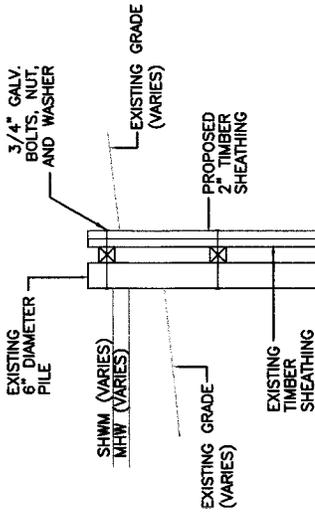


**SECTION VIEW A - A'**

SCALE: 1" = 6'

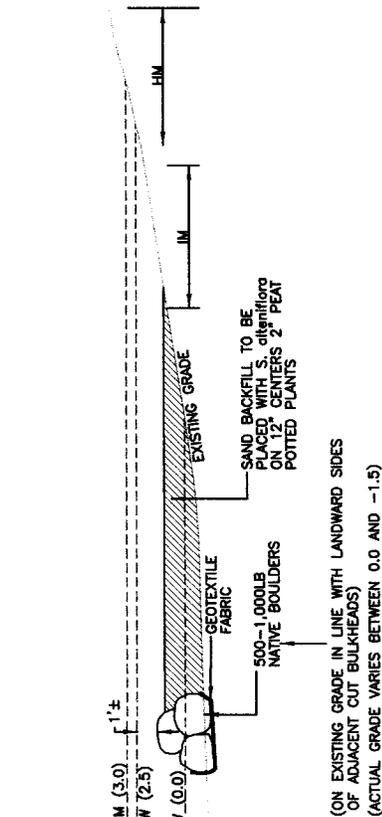
(ON EXISTING GRADE  $\bullet$  LANDWARD SIDE OF CUT BULKHEAD)  
(ACTUAL GRADE VARIES BETWEEN 0.0 AND -1.5)

\* EXISTING TIDAL WETLAND VEGETATION  
TO REMAIN (UNDISTURBED)



**TYPICAL RE-SHEATHING DETAIL**

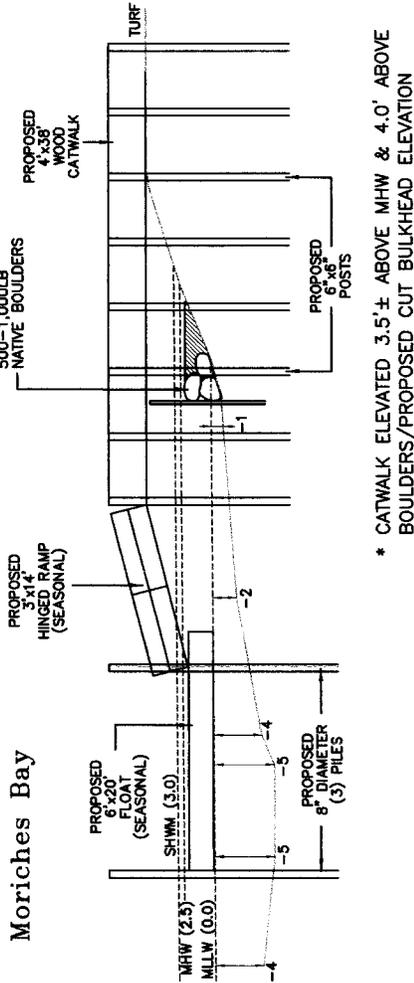
SCALE: 1" = 6'



**SECTION VIEW B - B'**

SCALE: 1" = 10'

(ON EXISTING GRADE IN LINE WITH LANDWARD SIDES  
OF ADJACENT CUT BULKHEADS)  
(ACTUAL GRADE VARIES BETWEEN 0.0 AND -1.5)



**DOCK SECTION**

SCALE: 1" = 16'

\* CATWALK ELEVATED 3.5'  $\pm$  ABOVE MHW & 4.0' ABOVE  
BOULDERS/PROPOSED CUT BULKHEAD ELEVATION

PREPARED FOR:  
AT:

MONTALTO  
352 DUNE ROAD  
WESTHAMPTON BEACH, NY

TITLE:

**SECTION VIEW**

LAND USE ECOLOGICAL SERVICES, INC  
570 EXPRESSWAY DRIVE SOUTH, SUITE 2F  
Medford, New York 11763 (631) 727-2400

Compiled by: C.B. Date: AUG 29, 2012  
Prepared by: R.K. Scale: AS SHOWN  
Project Mgr: C.B. File: MONTALTO  
Rev: 03-27-13

TAX MAP #:  
905-18-1-8  
DRAWING NO. **2 OF 2**

*MM # 2012-01343-EST*