



# 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-2014-00060-EYA  
Issue Date: April 21, 2014  
Expiration Date: May 21, 2014

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## 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: 123 Sterling LLC  
123 Sterling Avenue  
Greenport, NY 11944

ACTIVITY: Dredging, replacing bulkhead and installing new float structures in marina

WATERWAY: Racketts Basin, a tributary to Sterling Basin

LOCATION: Village of Greenport, Town of Southold, 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.

Any person may request, in writing, before this public notice expires, that a public hearing be held

**CENAN-OP-RE  
PUBLIC NOTICE NO. NAN-2014-00060-EYA**

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, 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:

**CENAN-OP-RE**  
**PUBLIC NOTICE NO. NAN-2014-00060-EYA**

- 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 917-790-8092 and ask for Jun Yan.

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>.

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



for  
Jodi M. McDonald  
Chief, Regulatory Branch

Enclosures

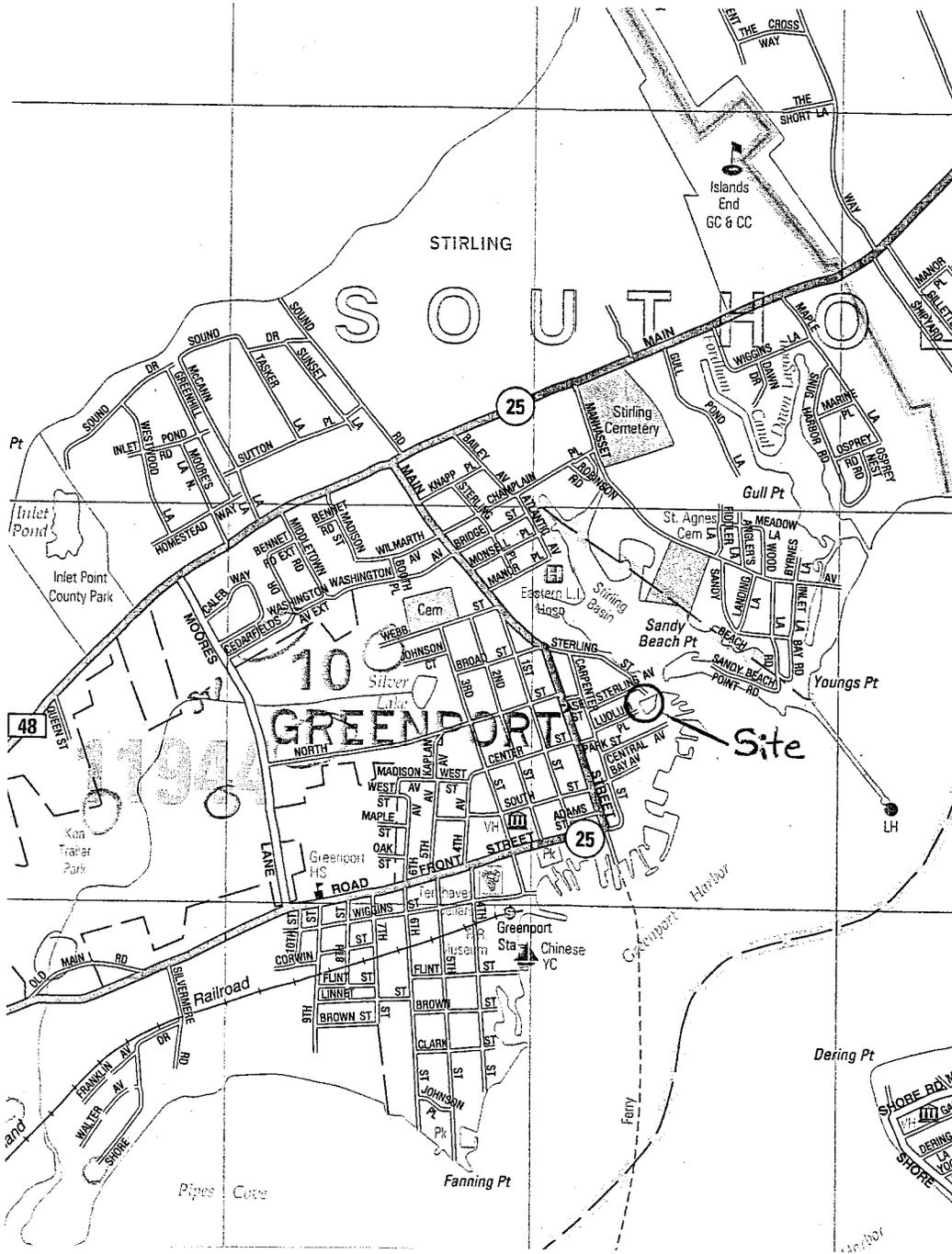
**WORK DESCRIPTION**

The applicant, 123 Sterling LLC, has requested Department of the Army authorization for dredging, replacing bulkhead and installing new float structures at an existing marina, the project is located in Racketts Basin, a tributary to Sterling Basin, Village of Greenport, Town of Southold, Suffolk County, New York.

The work would involve dredging of an existing marina to remove approximately 1,225 cubic yards of bottom material to a depth ranging from 6 feet to 15 feet below the mean low water line using a clamshell bucket dredge. The dredged material will be placed on site at an upland location. Work would also consist of reconstruction of approximately 132 linear feet of bulkhead and installation of new floats, finger floats, and platform as shown on the project drawings. The new structures would consist of a 4-foot wide by 6-foot long platform with a 3-foot wide by 15-foot long ramp leading to a 4-foot wide by 34-foot long float; a 4-foot wide by 20-foot long float extension; five (5) 3-foot wide by 20-foot long finger floats secured by 12-inch diameter float piles and four (4) 12-inch diameter mooring piles.

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

# 123 Sterling LLC - Greenport



Quadrangle: Grenport

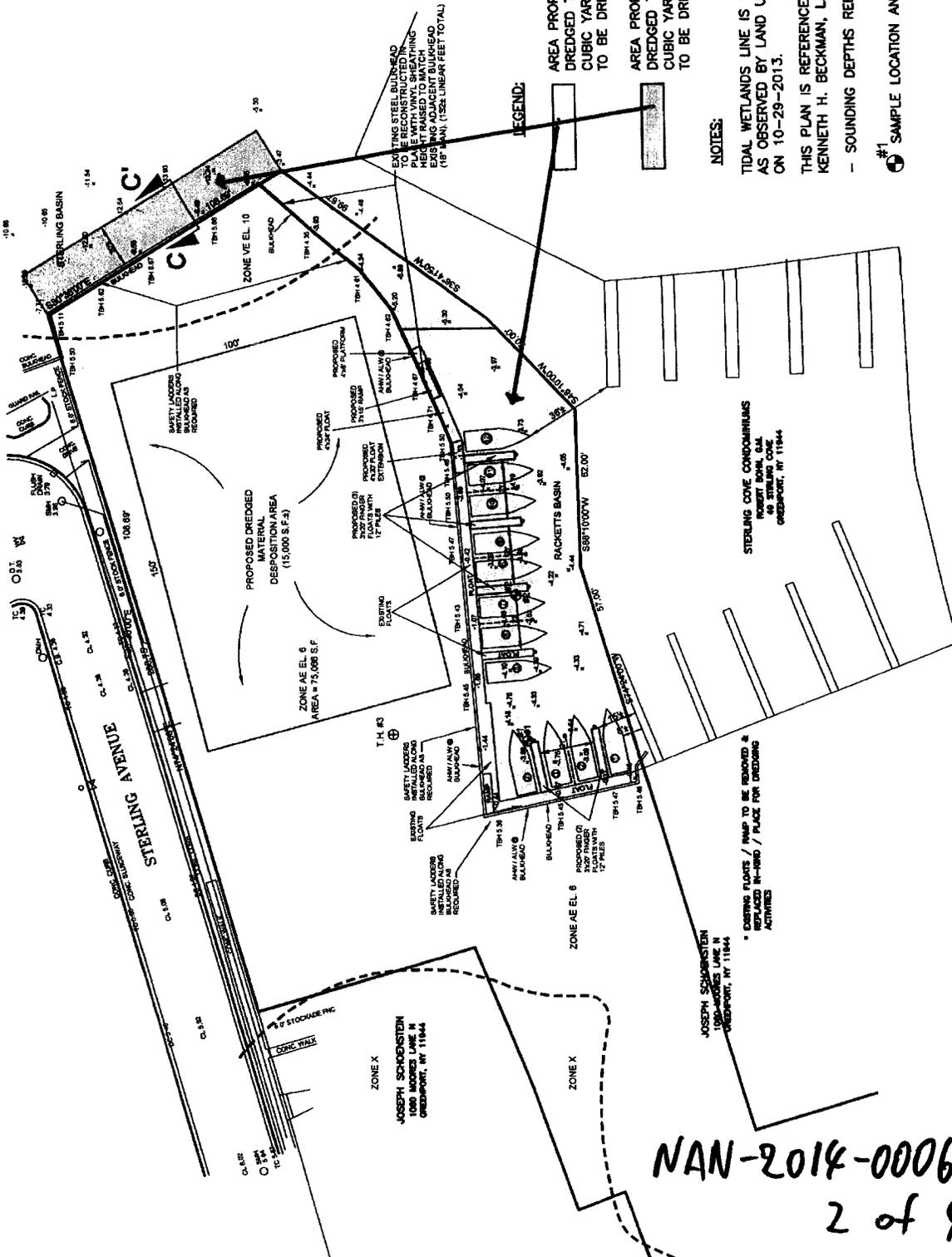
**NAN-2014-00060-EYA**

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 (Hagstrom)

Lat: 41 06 23.20" N  
 Long: 72 21 27.34" W

1 of 4



AREA PROPOSED TO BE MAINTENANCE DREDGED TO (-6.0) BELOW MLW 1,000± CUBIC YARDS (10,962 S.F.) PROPOSED TO BE DREDGED AND STORED ON SITE

AREA PROPOSED TO BE MAINTENANCE DREDGED TO (-15.0) BELOW MLW 225± CUBIC YARDS (3,300 S.F.) PROPOSED TO BE DREDGED AND STORED ON SITE

**NOTES:**

TIDAL WETLANDS LINE IS SYNONYMOUS WITH THE BULKHEAD AS OBSERVED BY LAND USE ECOLOGICAL SERVICES, INC. ON 10-29-2013.

THIS PLAN IS REFERENCED TO THE SURVEY PREPARED BY KENNETH H. BECKMAN, L.S. DATED 10-04-2013.

- SOUNDING DEPTHS REFERENCED TO MLW.

#1 SAMPLE LOCATION AND NUMBER

**LEGEND:**



TITLE:

**SITE PLAN**

PREPARED FOR: 123 STERLING LLC

AT: 123 STERLING AVENUE  
GREENPOINT, NY 11944

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

Compiled by: D.H.	Date: JAN 9, 2014	SUFFOLK COUNTY TAX MAP#:
Prepared by: R.K.	Scale: AS SHOWN	1001-3-5-16.4 & 16.5
Project Mgr: D.H.	File: RDSRIN	DRAWING NO. 1 OF 1
Rev: 01-31-14		

NAN-2014-00060-EYA  
2 of 4

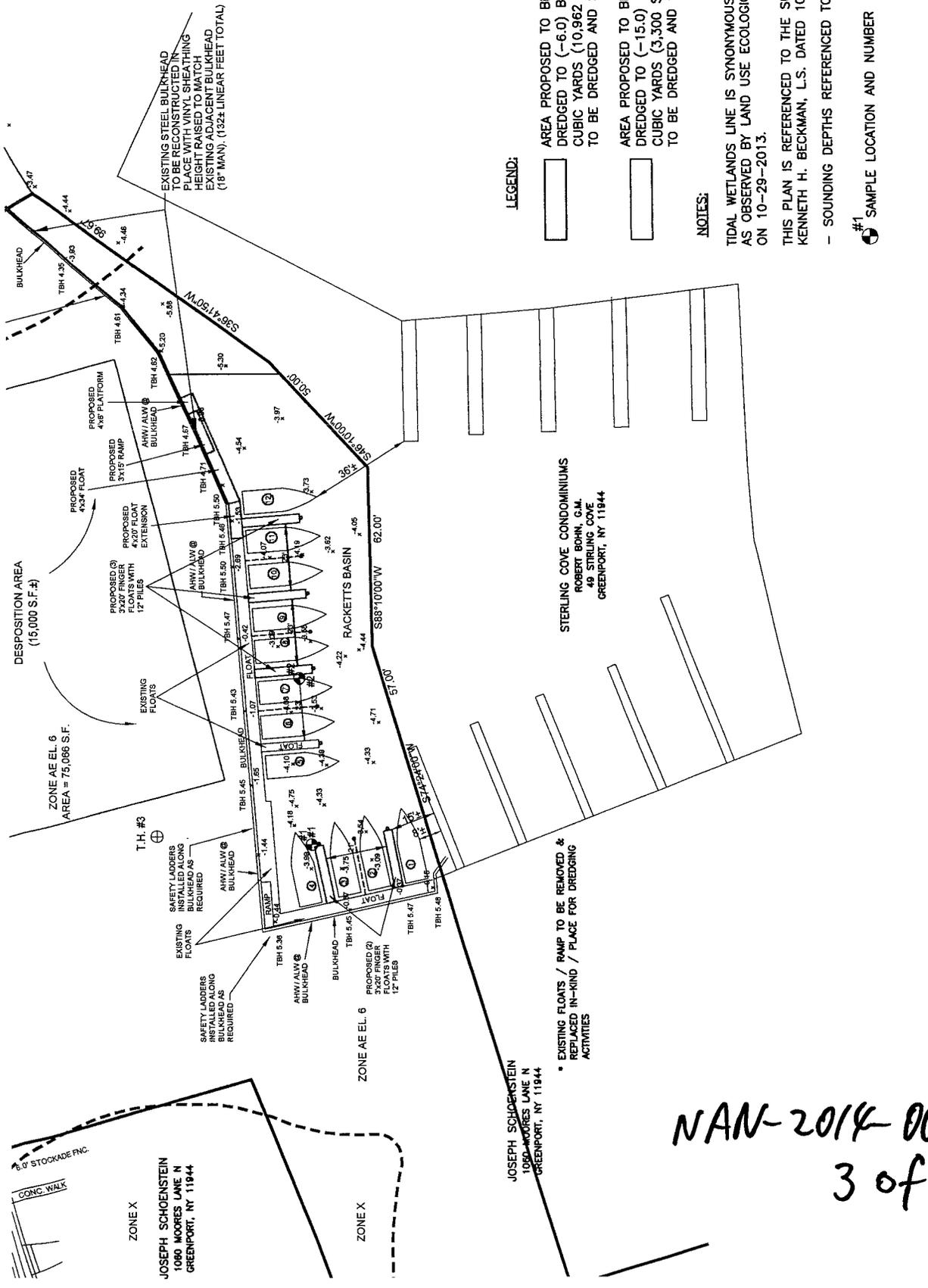


\* EXISTING FLOATS / PUMP TO BE REMOVED & REPLACED IN-1000 / PLACE FOR DREDGING ACTIVITIES

JOSEPH SCHONSTEIN  
1000 MOORE LANE N  
GREENPOINT, NY 11944

JOSEPH SCHONSTEIN  
1000 MOORE LANE N  
GREENPOINT, NY 11944

STERLING COVE CONDOMINIUMS  
ROBERT BOAL, LLC  
40 STERLING COVE  
GREENPOINT, NY 11944



**LEGEND:**

- AREA PROPOSED TO BE MAINTENANCE DREGGED TO (-6.0) BELOW MLW 1,000± CUBIC YARDS (10,962 S.F.) PROPOSED TO BE DREGGED AND STORED ON SITE
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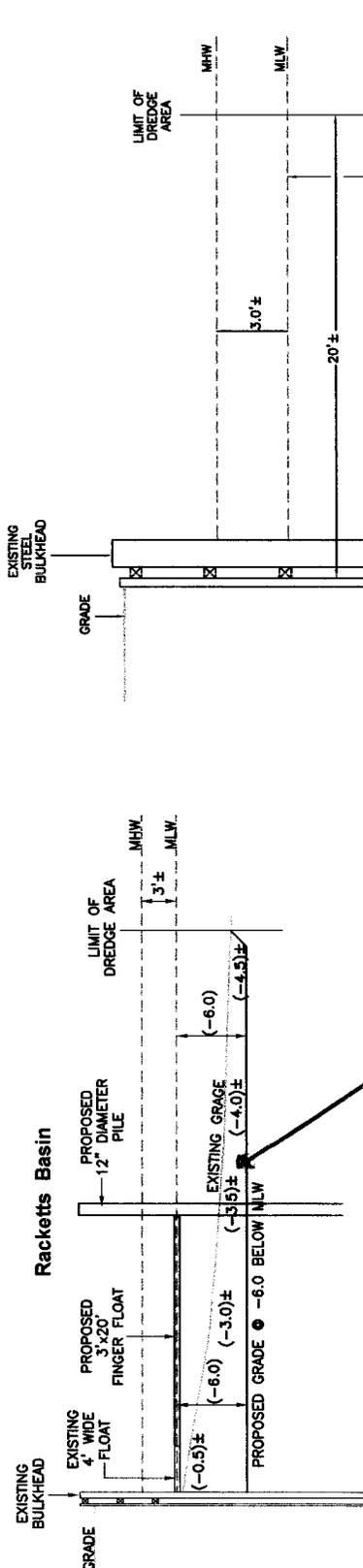
PREPARED FOR: 123 STERLING LLC  
 AT: 123 STERLING AVENUE  
 GREENPOINT, NY 11944

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

Compiled by: D.H. Date: JAN 9, 2014 SUFFOLK COUNTY TAX MAP#: 1001-3-5-16.4 & 16.5  
 Prepared by: R.K. Scale: AS SHOWN  
 Project Mgr: D.H. File: RASKIN  
 Rev: 01-31-14 DRAWING NO. 1 OF 1

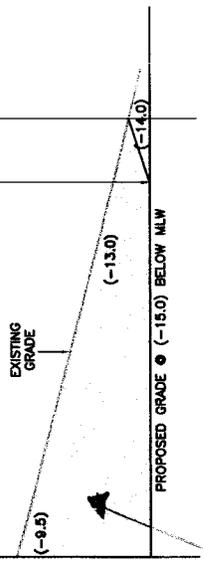
NAN-2014-00060-EYA  
 3 of 4





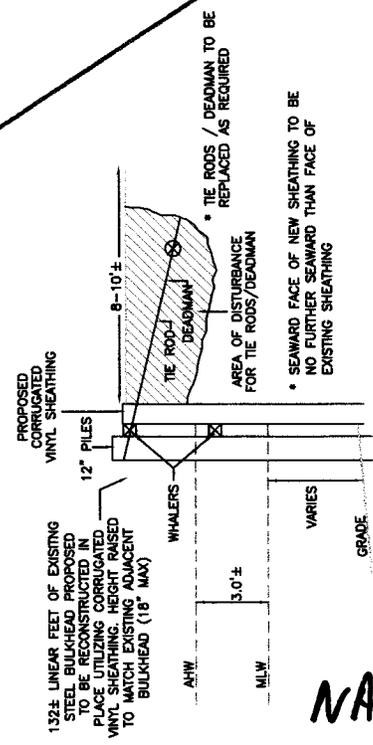
**SECTION VIEW: A - A'**

SCALE: 1" = 16'



**SECTION VIEW: C - C'**

SCALE: 1" = 8'



**SECTION VIEW: B - B'**

SCALE: 1" = 8'

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PREPARED FOR: 123 STERLING LLC  
 AT: 123 STERLING AVENUE GREENPOINT, NY 11944

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

DATE: JAN 9, 2014  
 SCALE: AS SHOWN  
 FILE: RASKIN

SUFFOLK COUNTY TAX MAP#: 1001-3-5-16.4 & 16.5

DRAWING NO. 2 OF 2

NAN-2014-00060-EYA  
 4 of 4