



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-2014-00279-EYA
Issue Date: May 13, 2014
Expiration Date: June 13, 2014

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) and Section 103 of the Marine Protection.

APPLICANT: Bradley & Margaret Tolkin
6 Charles Lane
Shelter Island, NY 11964

ACTIVITY: Dredging and expansion of Boat Basin, bulkhead replacement and float installation

WATERWAY: Memantic Creek

LOCATION: Town of Shelter Island, 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.

PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE

CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2014-00279-EYA

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 is 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

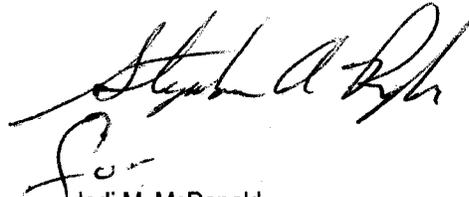
In order for us to better serve you, please complete our Customer Service Survey located at: <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

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

CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2014-00279-EYA

may contact this office at (917) 790 - 8092 and ask for Jun Yan.

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 written in a cursive style with a large initial "J" and "M".

Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Bradley and Margaret Tolkin, has requested Department of the Army authorization for dredging and expansion of boat basin, bulkhead replacement and float installation in Memantic Creek, at the Town of Shelter Island, Suffolk County, New York.

The work would involve the following:

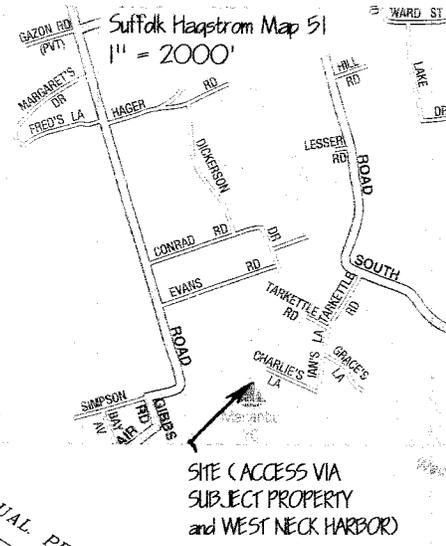
1. Remove approximately 138 linear feet of existing timber bulkhead. Install approximately 123 linear feet of new vinyl bulkhead landward of the existing bulkhead. Excavate approximately 750 cubic yards of soil from approximately 1,312 square feet of upland area between the new bulkhead and existing bulkhead to a depth of 4 feet below the plane of the mean low water line. Excavated materials to be trucked offsite to a New York State Department of Environmental Conservation (NYSDEC) approved upland area.
2. Dredge, using barge mounted crane, approximately 100 cubic yards of dredged materials from approximately 1,093 square foot area in front of the existing bulkhead to a maximum depth of 4 feet below the plane of the mean low water line. Dredged materials to be placed behind the new bulkhead and dewatered on site.
3. Install a 32-inch wide by 12-foot long ramp onto four (4) 5-foot wide by 20-foot long floats and one (1) 10-foot wide by 13-foot long jet-ski float secured by five (5) 10-inch diameter pilings.
4. Replace approximately 378 linear feet of existing bulkhead.

The applicant has stated that they have avoided, minimized, and mitigated for the proposed impacts to the maximum extent practicable by limiting construction to the smallest area practicable and increased open water at the project site.

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

Notes:

- 1) Purpose: Maintain existing bulkheading and reconfigure and expand existing boat basin for enhanced private, noncommercial, boat dockage inside basin (as alternative to extending proposed dock into open waterway)
- 2) Datum: MLLW
- 3) Water depths (referenced to MLLW) transcribed from hydrographic survey prepared by Robert H. Fox, L.S., dated October 13, 2013
- 4) All new bulkhead sheathing to be vinyl; structural timbers to be pressure-treated timber; all hardware to be hot-dipped galvanized steel
- 5) Approximately 750 cu soil to be excavated from approx. 1,312 sf upland area between existing and proposed boat basin bulkheads to a max depth of -4' MLLW; material to be trucked offsite to an approved upland source.
- 6) Approximately 100 cu sand/ silt spoil to be dredged from approx. 1,093 sf boat basin area seaward of existing bulkhead (to be removed) via barge mounted clamshell bucket crane to a max. depth of -4' MLLW; spoil material to be used on-site as backfill landward of +378' of replacement bulkheading
- 7) Proposed dock in boat basin to be provided with water and electricity
- 8) Property location: 6 Charlie's Lane, Shelter Island; SCTM #700-23-1-24.6



PROPOSED BOAT BASIN RECONFIGURATION
 (SEE SHEET #2 FOR DETAILED PLAN VIEW AND
 SHEET #3, SECTION A-A FOR PROFILE VIEW)

APPROX. 133 L.F. OF VINYL BULKHEAD TO BE
 CONSTRUCTED IN PLACE OF EX. TIMBER BULKHEAD
 (SEE SECTION B-B)

MENANTIC CREEK

APPROX. 129 L.F. OF VINYL BULKHEAD TO BE
 CONSTRUCTED IN PLACE OF EX. TIMBER BULKHEAD
 (SEE SECTION C-C)

APPROX. LIMIT OF DISTURBANCE/BACKFILL

EX. TIMBER GROIN

APPROX. ±116 L.F. OF VINYL BULKHEAD
 TO BE CONSTRUCTED IN PLACE OF EX.
 TIMBER BULKHEAD (SEE SECTION D-D)

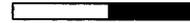
EN-CONSULTANTS
1319 NORTH SEA ROAD
SOUTHAMPTON, NY 11968
631-283-6360

NAN-2014-00279-EYA

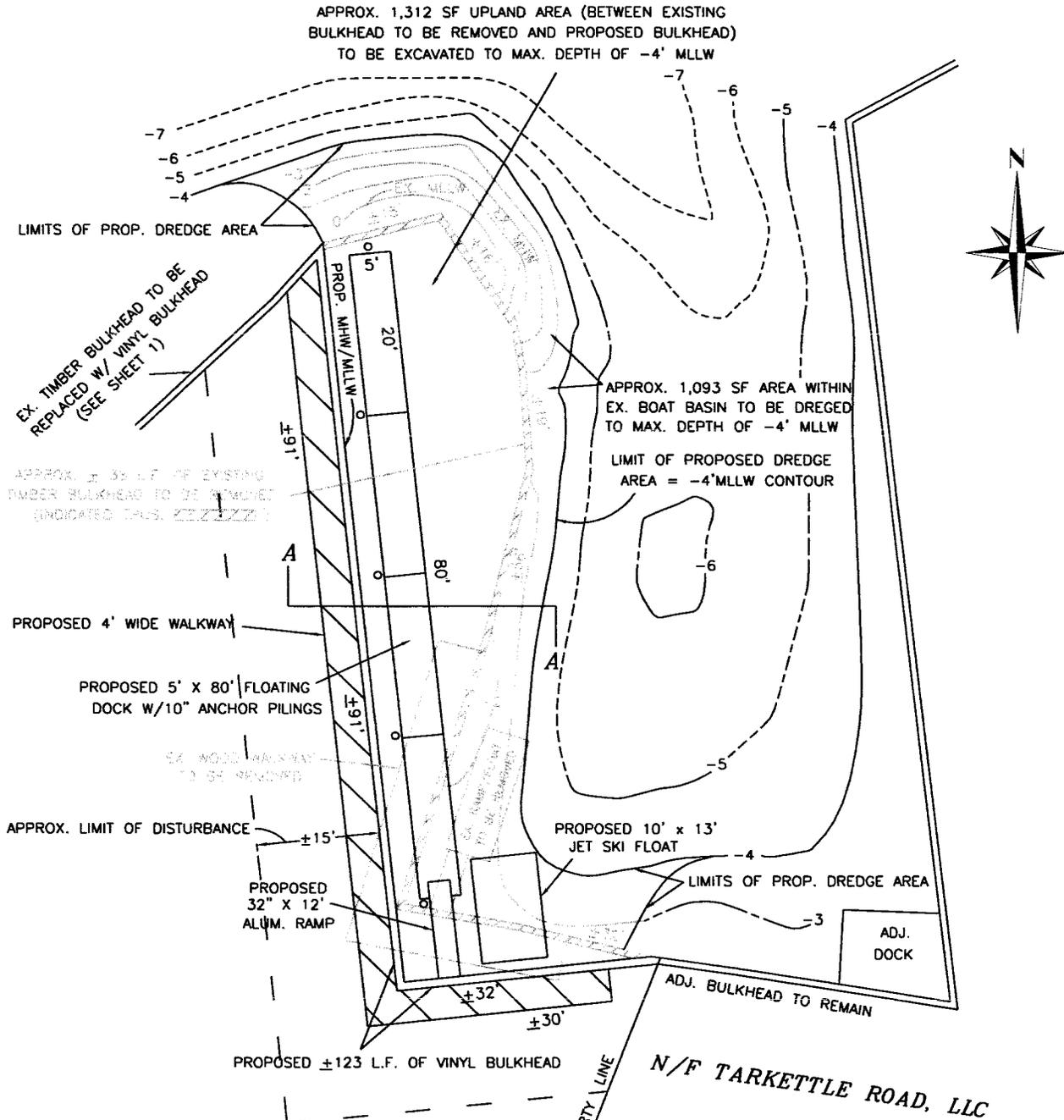
PROPOSED BULKHEAD REPLACEMENT
 AND BOAT BASIN RECONFIGURATION
 FOR BRADLEY AND MARGARET TOLKIN
 ON MENANTIC CREEK, SHELTER
 ISLAND, SUFFOLK COUNTY, NY
 SHEET 1 OF 4 3-5-14

DETAILED PLAN VIEW OF PROPOSED BOAT BASIN RECONFIGURATION

(SEE SECTION A-A FOR PROFILE VIEW)



1" = 20'



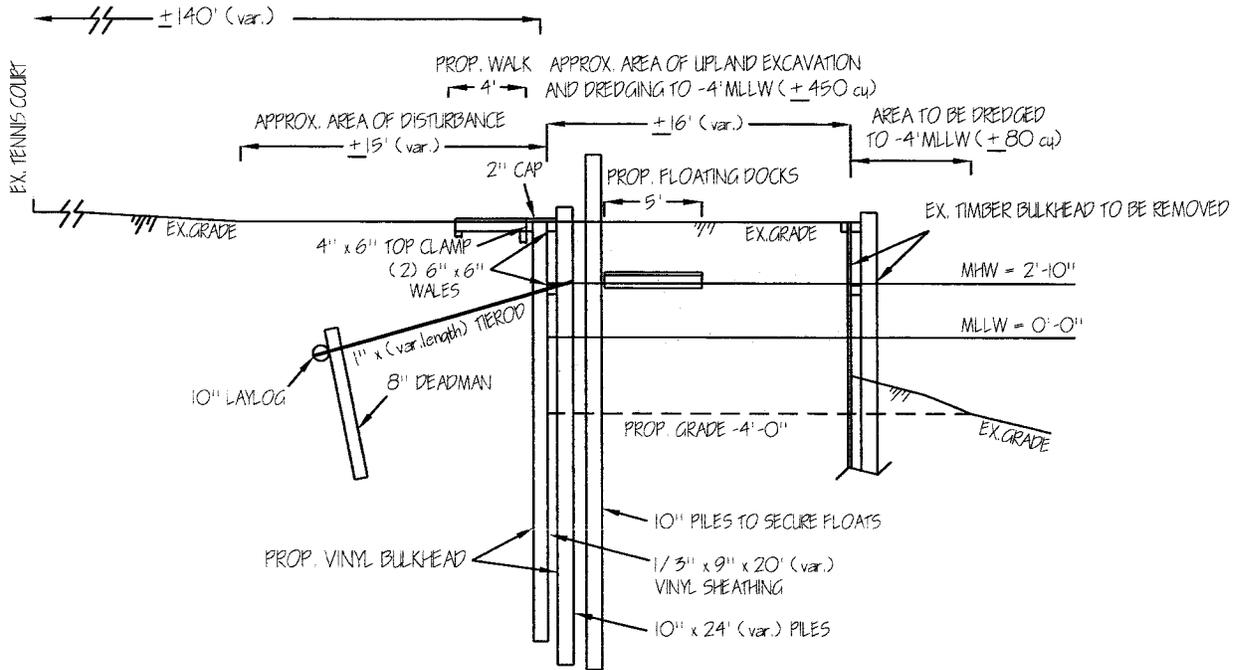
NAN-2014-00279-EYA

EN-CONSULTANTS
 1319 NORTH SEA ROAD
 SOUTHAMPTON, NY 11968
 631-283-6360

PROPOSED BULKHEAD REPLACEMENT
 AND BOAT BASIN RECONFIGURATION
 FOR BRADLEY AND MARGARET TOLKIN
 ON MENANTIC CREEK, SHELTER
 ISLAND, SUFFOLK COUNTY, NY
 SHEET 2 OF 4 3-5-14

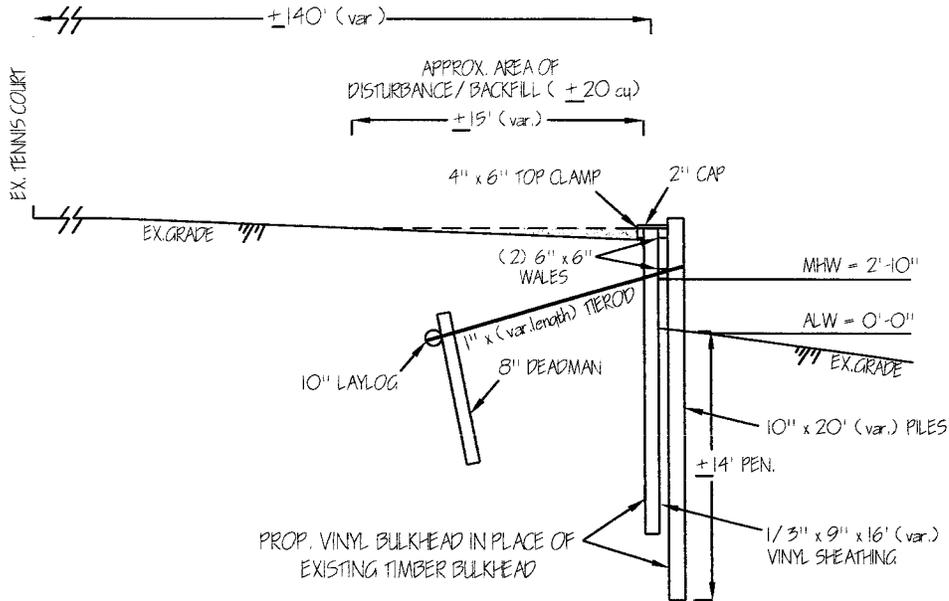
SECTION A-A: THRU PROPOSED BULKHEAD, EXCAVATION, AND DREDGING AT BOAT BASIN

1" = 10'



SECTION B-B: THRU PROPOSED BULKHEAD REPLACEMENT

1" = 10'



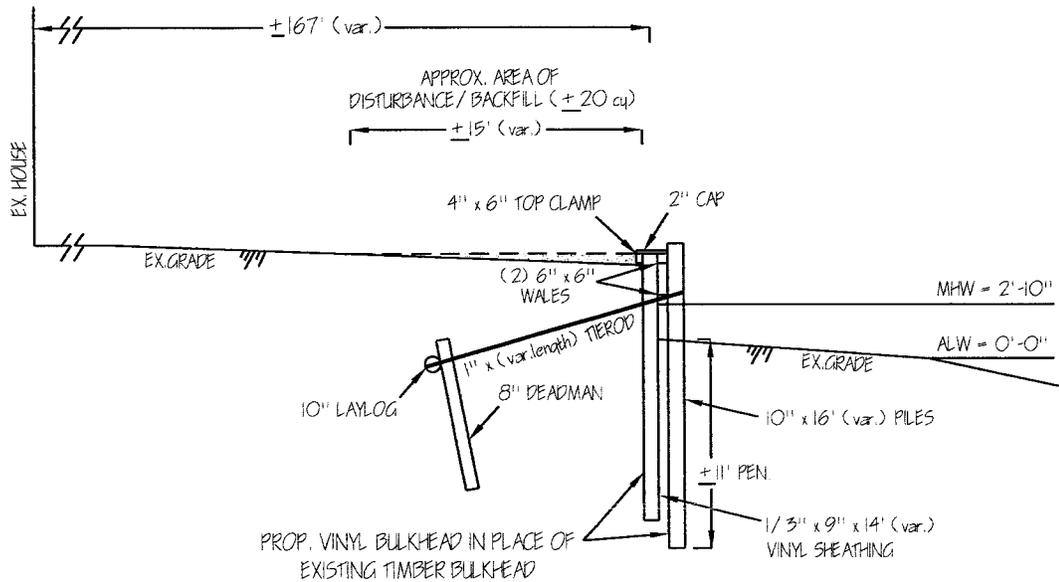
NAN-2014-00279-EYA

EN-CONSULTANTS
 1319 NORTH SEA ROAD
 SOUTHAMPTON, NY 11968
 631-283-6360

PROPOSED BULKHEAD REPLACEMENT
 AND BOAT BASIN RECONFIGURATION
 FOR BRADLEY AND MARGARET TOLKIN
 ON MENANTIC CREEK, SHELTER
 ISLAND, SUFFOLK COUNTY, NY
 SHEET 3 OF 4 3-5-14

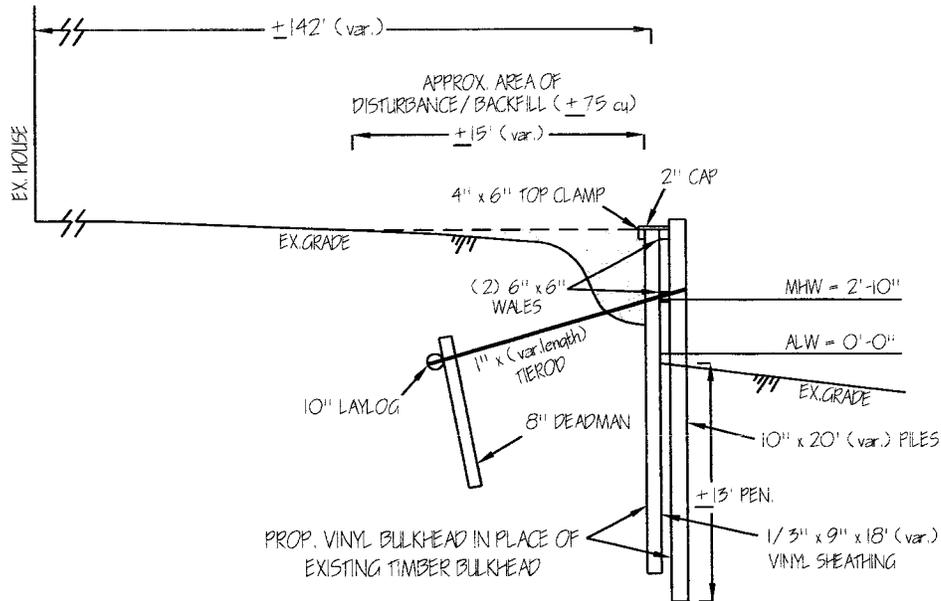
SECTION C-C: THRU PROPOSED BULKHEAD REPLACEMENT

1" = 10'



SECTION D-D: THRU PROPOSED BULKHEAD REPLACEMENT

1" = 10'



NAN-2014-00279-EYA

EN-CONSULTANTS
 1319 NORTH SEA ROAD
 SOUTHAMPTON, NY 11968
 631-283-6360

PROPOSED BULKHEAD REPLACEMENT
 AND BOAT BASIN RECONFIGURATION
 FOR BRADLEY AND MARGARET TOLKIN
 ON MENANTIC CREEK, SHELTER
 ISLAND, SUFFOLK COUNTY, NY
 SHEET 4 OF 4 3-5-14