

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-2011-00316
Issue Date: 30 March 2012
Expiration Date: 29 April 2012

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: Frank and Mindy Martorana
172 Baylawn Ave
Copiague, NY 11726

ACTIVITY: Placing fill into the waters of the US to close a boat slip.

WATERWAY: Amity Harbor leading to the Great South Bay

LOCATION: Town of Amityville, 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

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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.

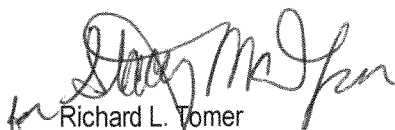
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation

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) 790-8425 and ask for Larry C Young.

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>


Richard L. Vomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

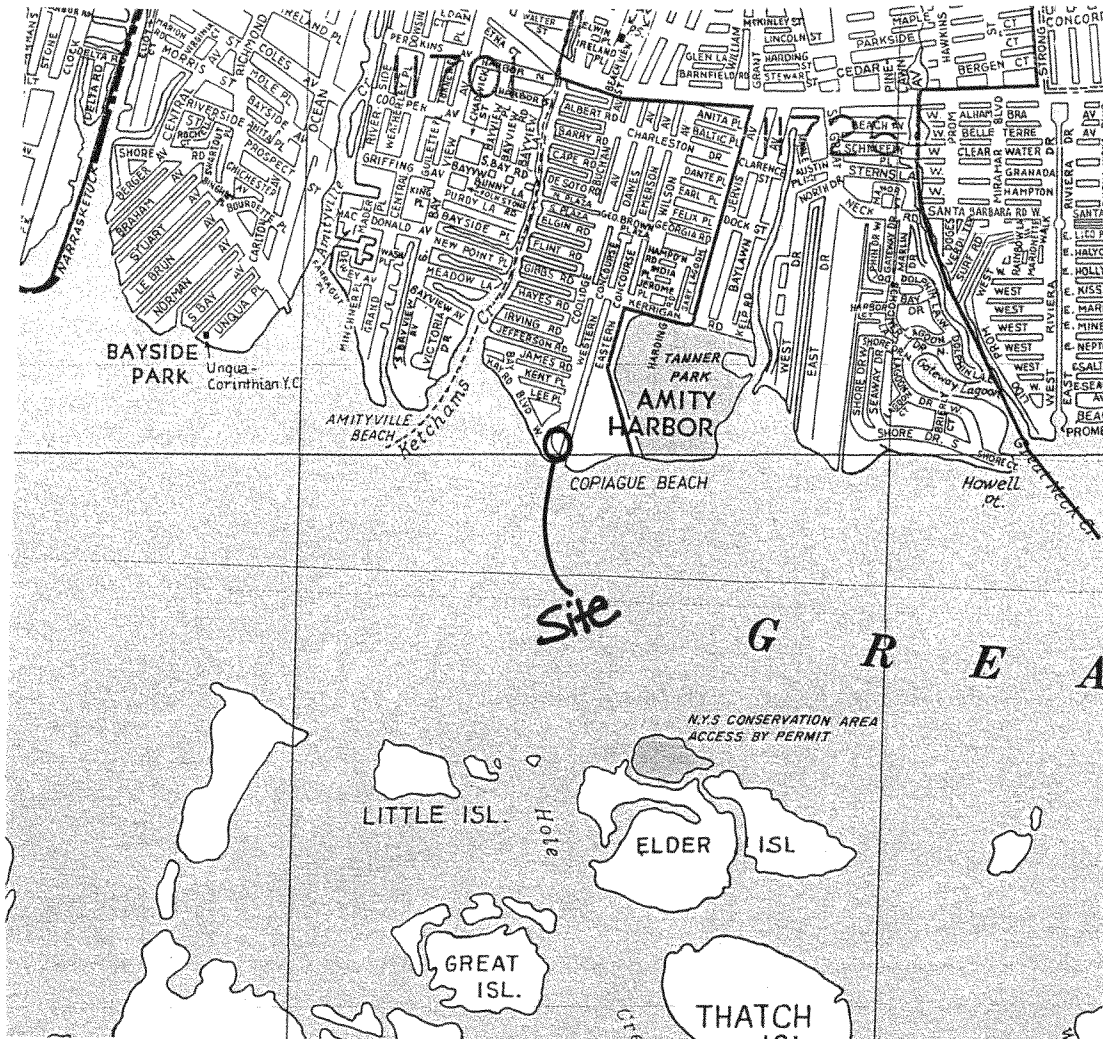
The applicant, Frank and Mindy Martorana, has requested Department of the Army authorization to place fill into the waters of the U.S. to close an existing boat slip and to perform maintenance on an existing structure in Amity Harbor, Town of Amityville, Suffolk County, New York.

The work would involve installing a new 14-linear-feet-long bulkhead to close an existing 15-foot-wide by 27-foot-long boat slip. The boat slip would be filled with 30 cubic yards of clean sand/loam from an upland source. The applicant also proposes to remove and replace in-place an existing 89-linear-foot-long wood bulkhead with an 89-linear-foot-long vinyl bulkhead.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable. The applicant will place a row of haybales and silt fencing landward of the tidal wetland boundary prior to any activities. Most of the impacts associated with the proposed project are temporary and would be offset by implementing best management practices.

The stated purpose of this project is to provide erosion control and upland protection.

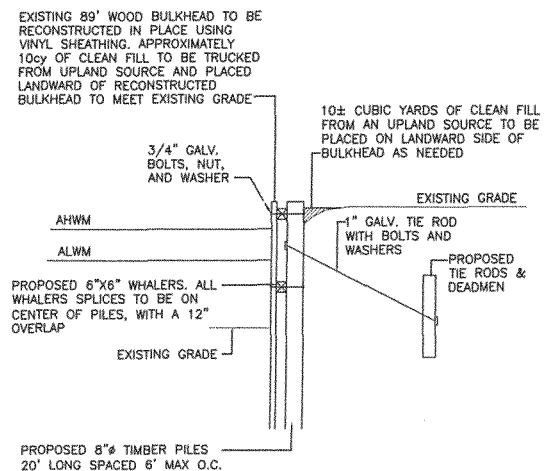
Martorana – 118 Western Concourse, Amityville
SCTM#: 100-183-1-86
Location Map



NAN-2 011-00316-E40

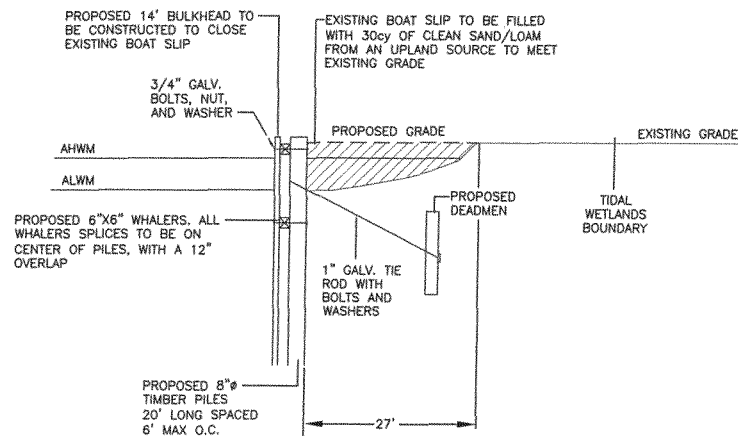
Land Use Ecological Services, Inc.
 570 Expressway Drive South, Suite 2F
 Medford, NY 11763
 Tel. 631-727-2400 Fax. 631-727-2605

Location map taken from Suffolk County Atlas, Hagstrom, 2000.
 N 40°39'18.81" (coordinates are center of project site)
 W 73°24'00.19"



SECTION VIEW A-A

SCALE: NTS



SECTION VIEW B-B

SCALE: NTS

NAN-2011-00314

PREPARED FOR: MARTORANA		TITLE: SECTION VIEWS	
AT: 118 WESTERN CONCOURSE AMITYVILLE, NY 11701		TAX MAP#:	
LANDUSE ECOLOGICAL SERVICES, INC		Compiled by: L.F.	Date: AUG 27, 2009
570 EXPRESS DRIVE, SUITE 2F		Prepared by: R.K.	Scale: AS SHOWN
Medford, New York 11763 (631) 727-2605		Project Mgr: L.F.	File: MARTORANA
		Rev: -	DRAWING NO. 3 of 3