



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-2012-00872-EST

Issue Date: November 15, 2012

Expiration Date: December 15, 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).

APPLICANT: Graceland III, LLC
c/o Brian Obergfell
120 Broadway
New York, NY 10271

ACTIVITY: Maintenance dredging with upland disposal.

WATERWAY: Lake Montauk

LOCATION: Village of Montauk, the Town of East Hampton, 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.

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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.

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.

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

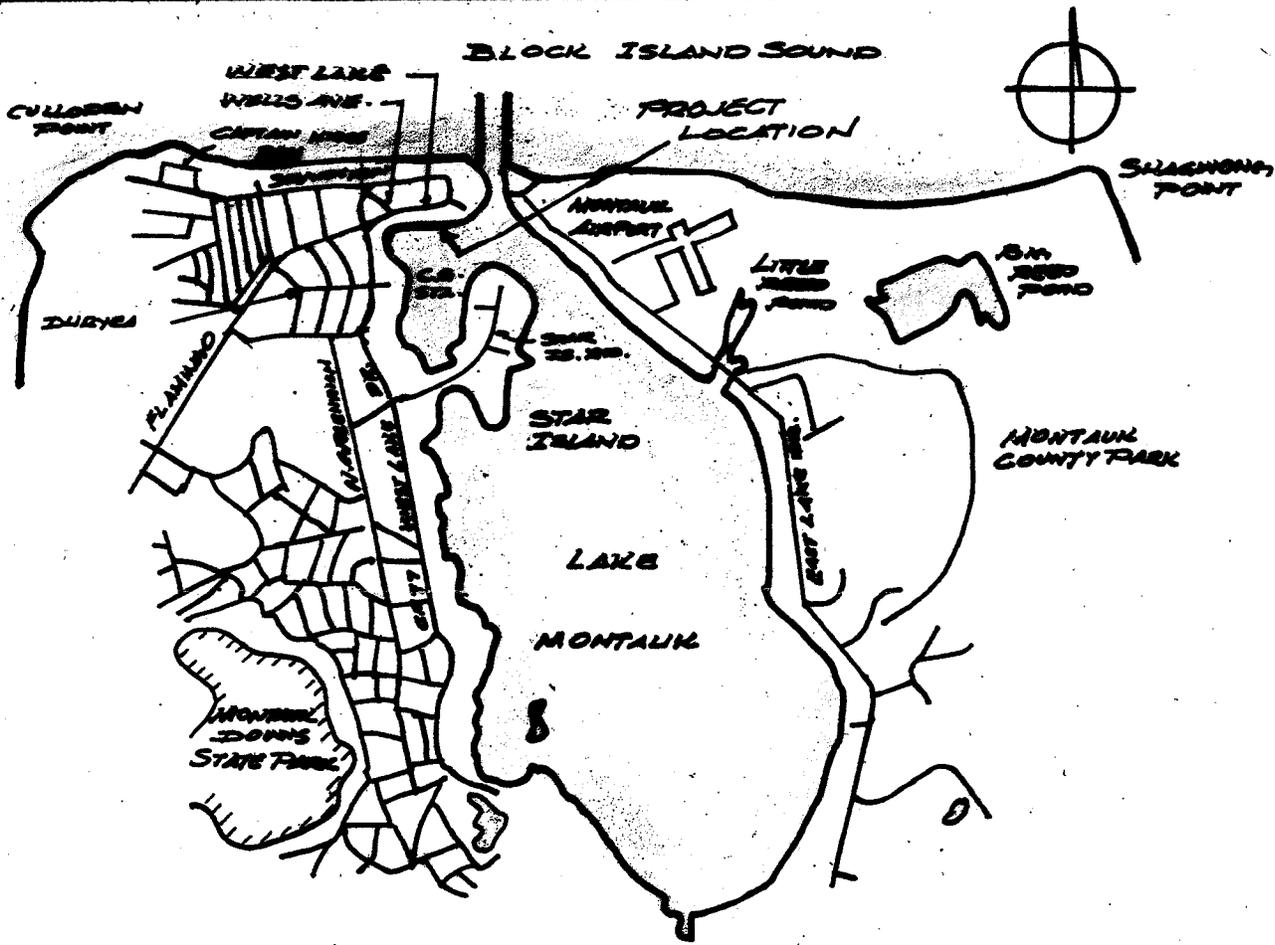
CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2012-00872-EST
WORK DESCRIPTION

The applicant, Graceland III, LLC, has requested Department of the Army authorization for 10-year maintenance dredging of boat slip areas. The proposed project site is located in the Lake Montauk, in the Village of Montauk, the Town of East Hampton, Suffolk County, New York.

The work would involve maintenance dredging of a 30-foot-wide by 110-foot-long boat slip area to 6 feet below mean low water (MLW) elevation with removal of approximately 245 cubic yards of dredged material during the first dredging cycle and approximately 150 cubic yards yearly thereafter, with placement behind the existing bulkhead and parking area.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by employing silt curtains in the work area. Most of the impacts associated this project are temporary and would also be offset by implementing best management practices to minimize impacts.

The stated purpose of this project is to maintain safe navigable access to the marina's existing boat slips.



VICINITY MAP



PROPOSED:

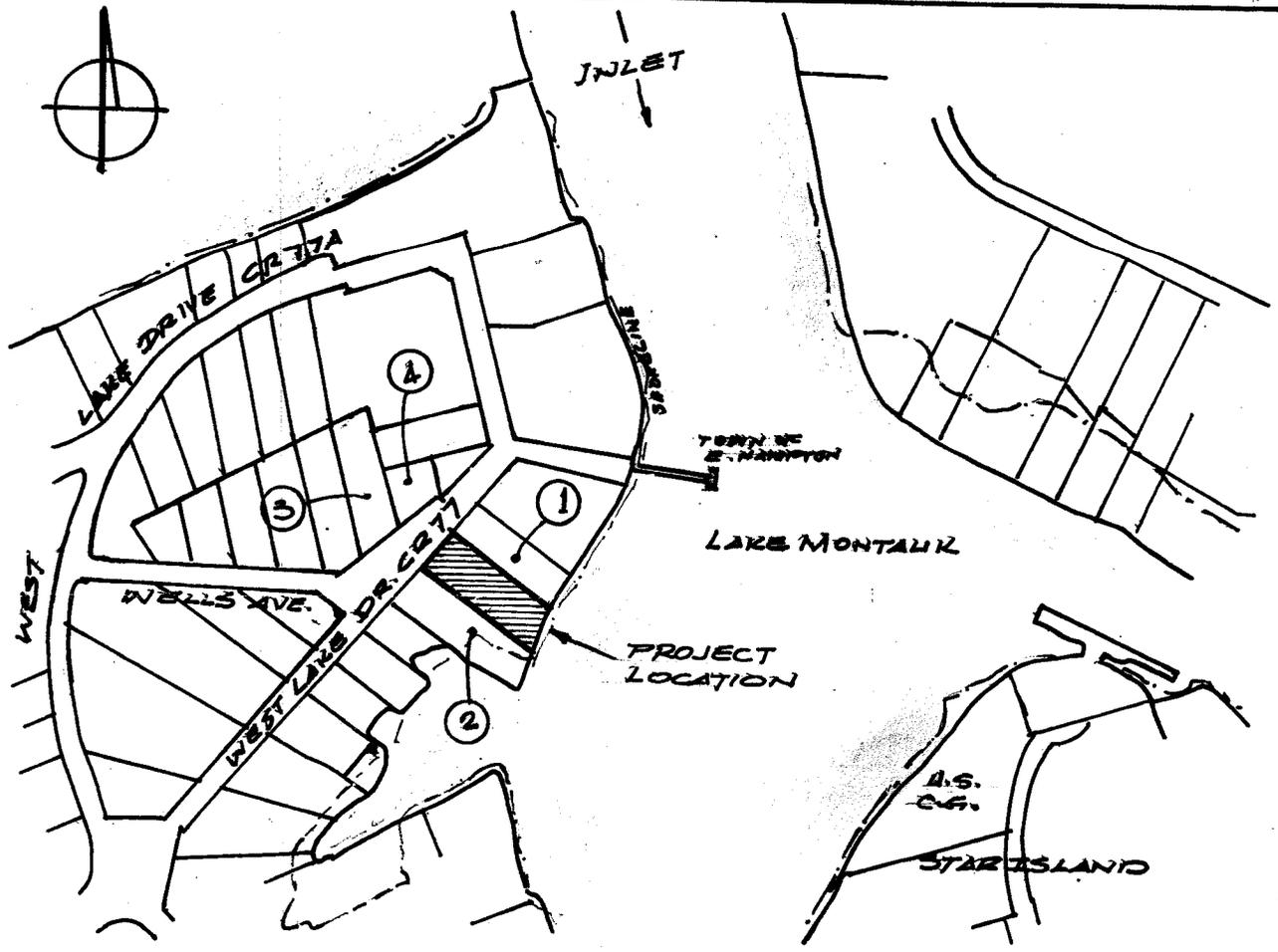
10 YEAR MAINTENANCE PERMIT TO ALLOW DREDGING OF BOAT SLIP AREAS TO -6.0' BELOW MEAN LOW WATER ELEV. 0.0' REMOVING 245 ± CU. YDS. OF SPOIL. DREDGED SPOIL TO STAY ON SITE AS BACKFILL LANDWARD OF BULKHEAD AND IN PARKING LOT AREA TO RAISE GRADE LEVEL IN AREA OF NEW CESSPOOLS.

ACCESS: BY WATER USING BARGE AND BY LAND THROUGH APPLICANTS PROPERTY

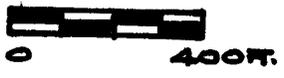
APPLICANT

GRACELAND III LLC
 610 BRIAN OBERGFELL
 EMMET, MARYVINT MARTIN LLP
 120 BROADWAY
 NEW YORK, N.Y. 10271
 470 WEST LAKE DRIVE
 MONTAUK, N.Y. 11954
 SCTM 300-6-3-8
 AUG. 28, 2012 JULY 6, 2012

PREPARED BY:
 CIRCULAR ENGINEERING CORP.
 P.O. Box 206 GREENWICH, N.Y. 11548
 (516) 477-1199



LOCATION MAP



41° 04' 28" N 71° 56' 16" W

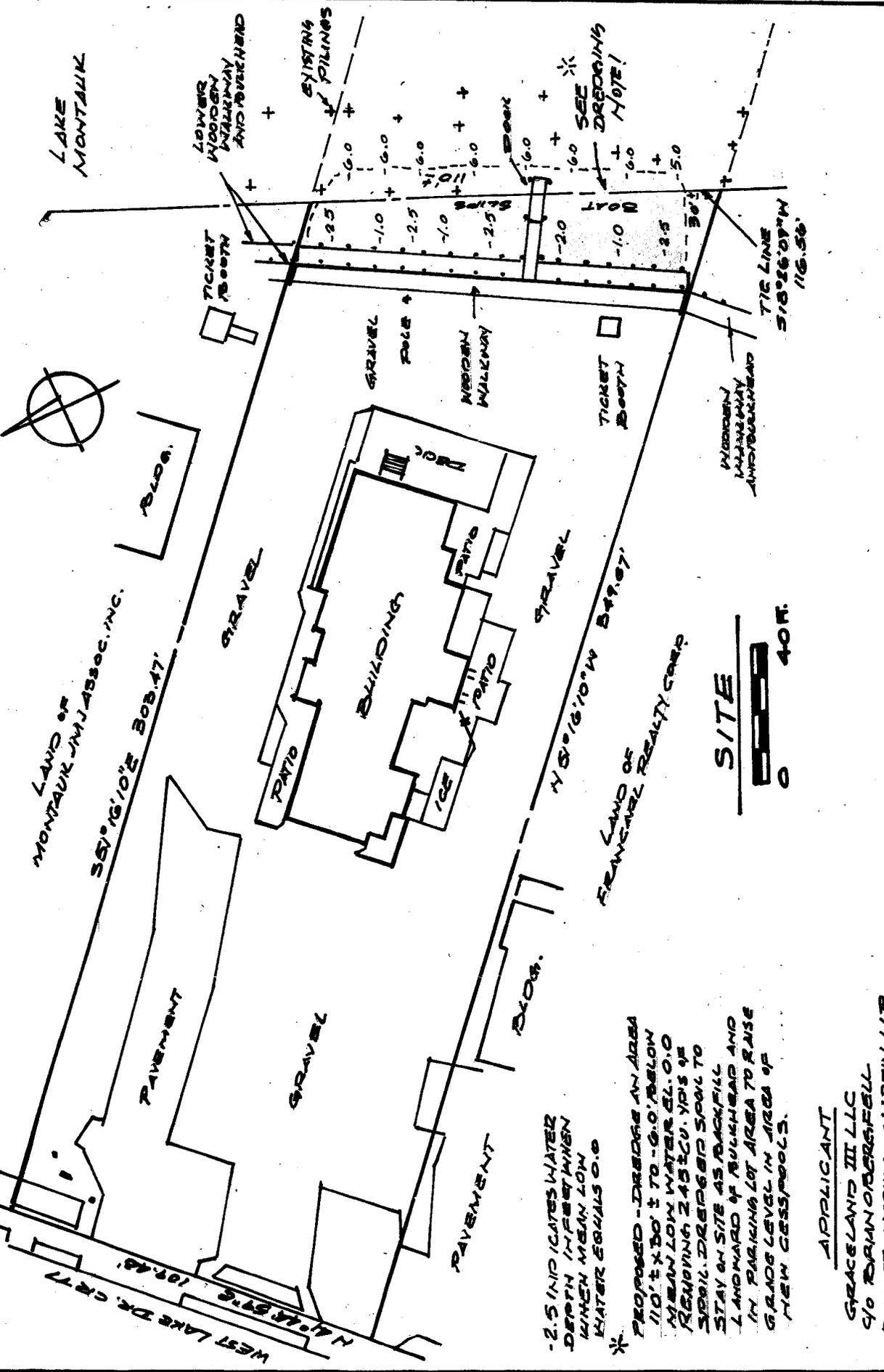
ADJACENT PROPERTY OWNERS:

- ① MONTAUK JMJ ASSOC. INC.
38 KETTLE HOLE ROAD
MONTAUK, N.Y. 11954
474 WEST LAKE DRIVE
- FRANCARL REALTY CORP.
462 WEST LAKE DRIVE
MONTAUK, N.Y. 11954
- ② 466 WEST LAKE DRIVE
- ③ 469 WEST LAKE DRIVE
- ④ 471 WEST LAKE DRIVE

APPLICANT

GRACELAND III LLC
C/O BRIAN OBERGFELL
EMMET, MARYIN + MARTIN LLP
120 BROADWAY
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470 WEST LAKE DRIVE
MONTAUK, N.Y. 11954
SCTM 300-0-3-8
AUG. 28, 2012 JULY 6, 2012

PREPARED BY:
COSTELLO MARINE CONTRACTING CORP.
P.O. Box 2124 GREENPORT, N.Y. 11944
(631) 477-1199



LAND OF
MONTAUK IMJ ASSOC. INC.
55°16'10" E 303.47'

LAND OF
FRANCHISE REALTY CORP.
N 5°16'10" W 549.07'



-2.5 INDICATES WATER
DEPTH IN FEET WHEN
WATER MEAN LOW
WATER EQUALS 0.0

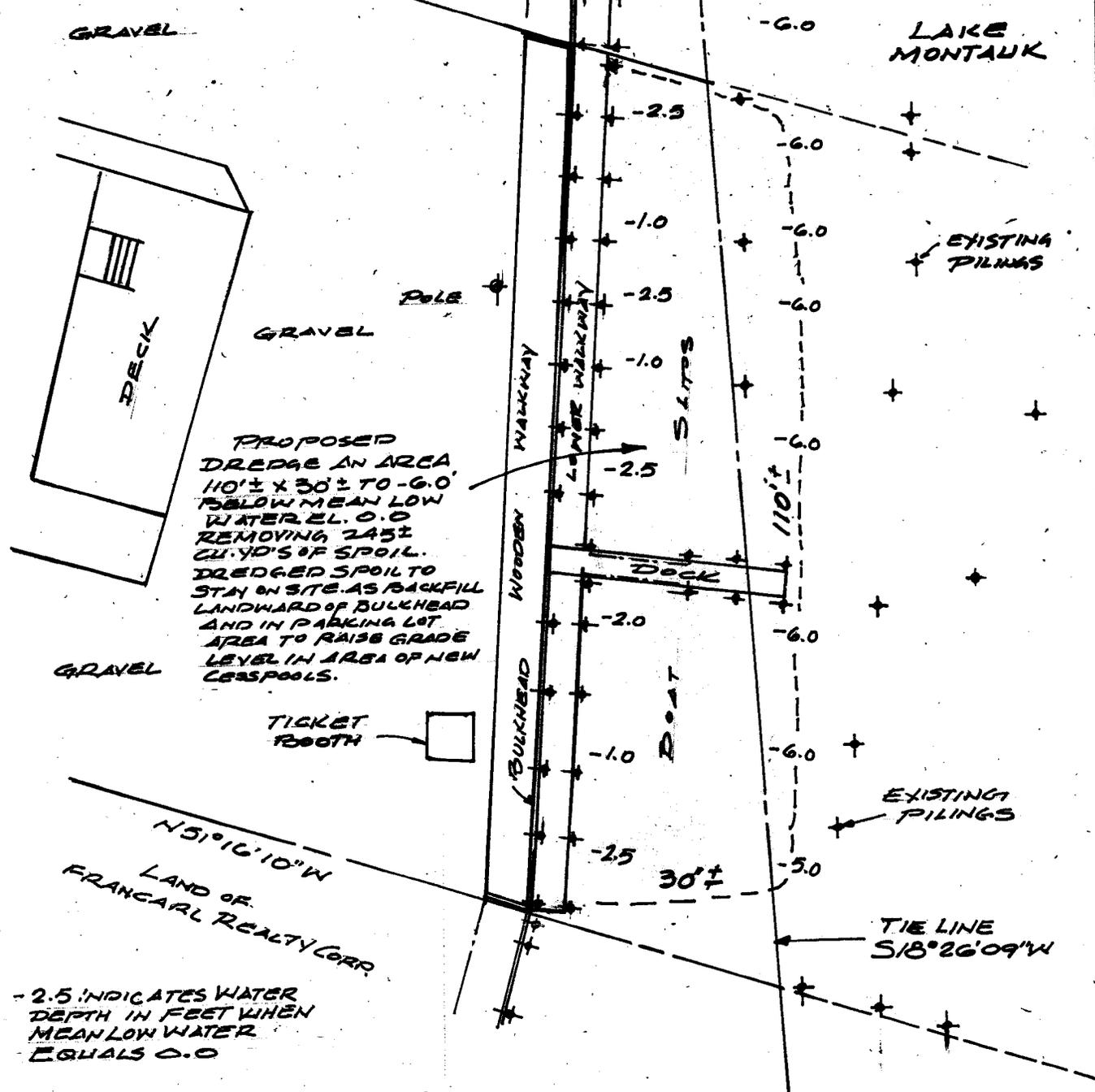
* PROPOSED - DREDGE AN AREA
110' x 30' ± TO -6.0' BELOW
MEAN LOW WATER EL. 0.0
REMOVING 245 CU. YDS OF
SBRIL. DREDGED SPILL TO
STAY ON SITE AS BACKFILL AND
LANDWARD OF RULHHEAD AND
IN PARKING LOT AREA TO RAISE
GRADE LEVEL IN AREA OF
NEW CESSPOOLS.

APPLICANT

GRACELAND III LLC
90 DRAN OBERG FELL
EMMET, MARVIN + MARTIN LLP
120 BROADWAY, 10171
NEW YORK, N.Y. 10171
470 WEST LAKE DRIVE
MONTAUK, N.Y. 11954
SOUTH 300-6-5-8
JULY 6, 2012 AUG. 23, 2012

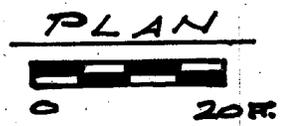
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(609) 477-1199

LAND OF
JMA ASSOC. INC.
S51°16'10"E



PROPOSED
DREDGE AN AREA
110'± X 30'± TO -6.0'
BELOW MEAN LOW
WATER EL. 0.0
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CEASPOOLS.

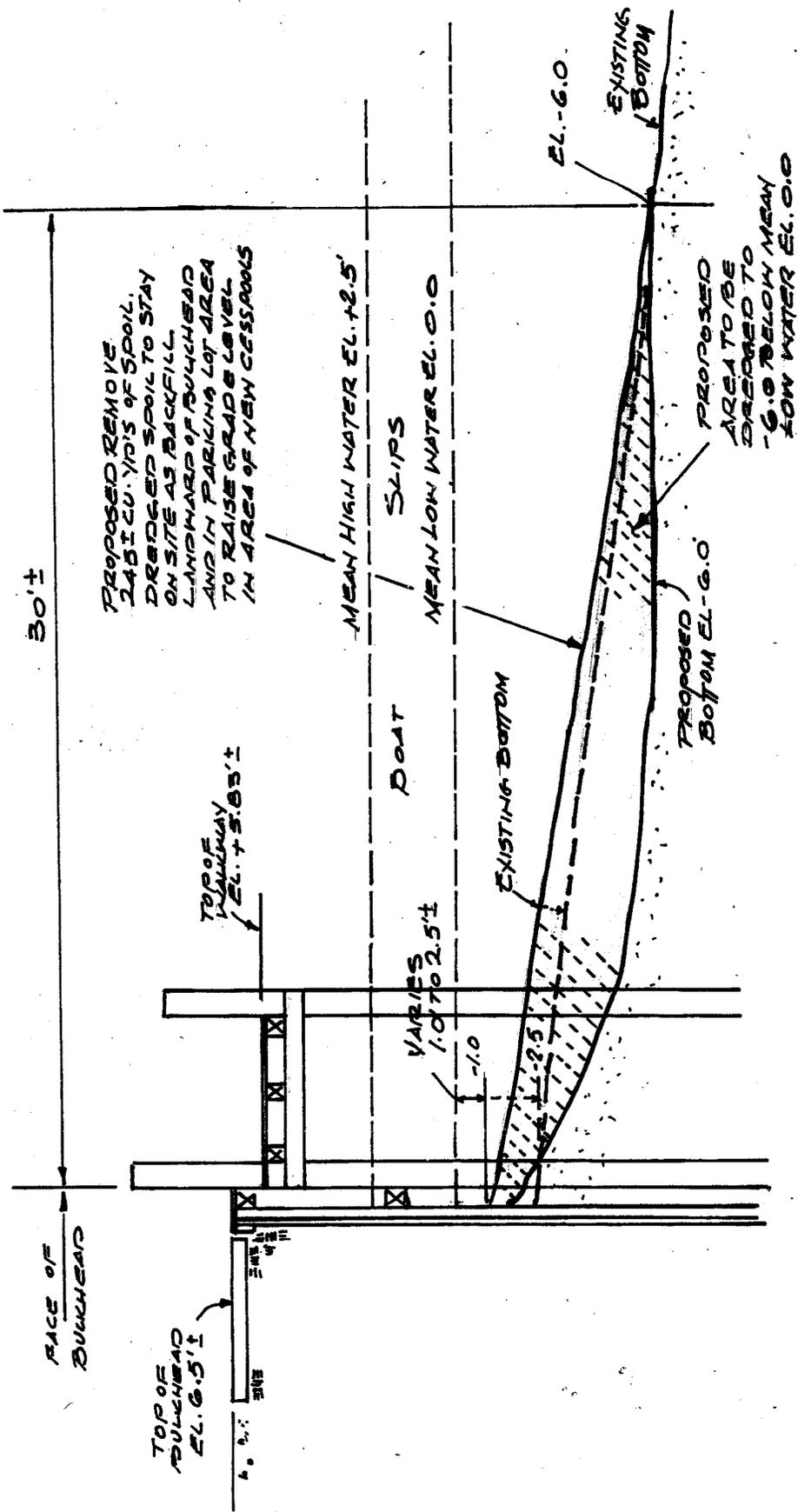
-2.5 INDICATES WATER
DEPTH IN FEET WHEN
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EQUALS 0.0



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470 WEST LAKE DRIVE
MONTAUK, N.Y. 11954
SCTM 900-6-3-4
AUG. 28, 2012 JULY 6, 2012

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DREDGING PROFILE

APPLICANT

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 c/o BRIAN OBERGFELL
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 907th DOB-G-5-B
 JULY 6, 2012 AUG. 28, 2012

PREPARED BY:
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